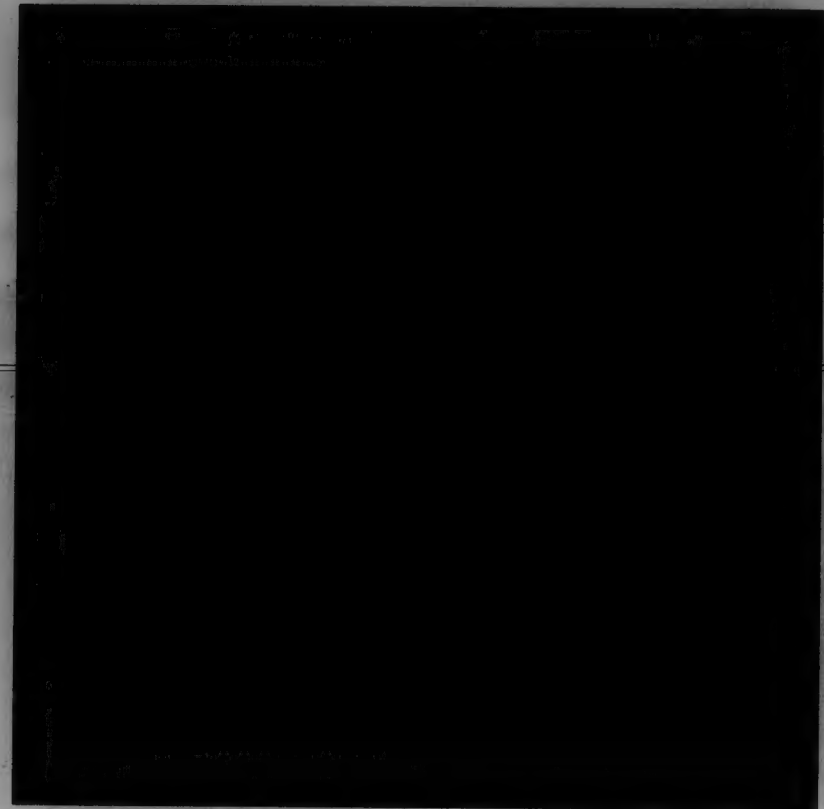
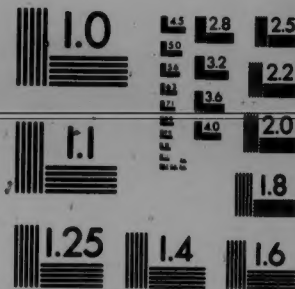
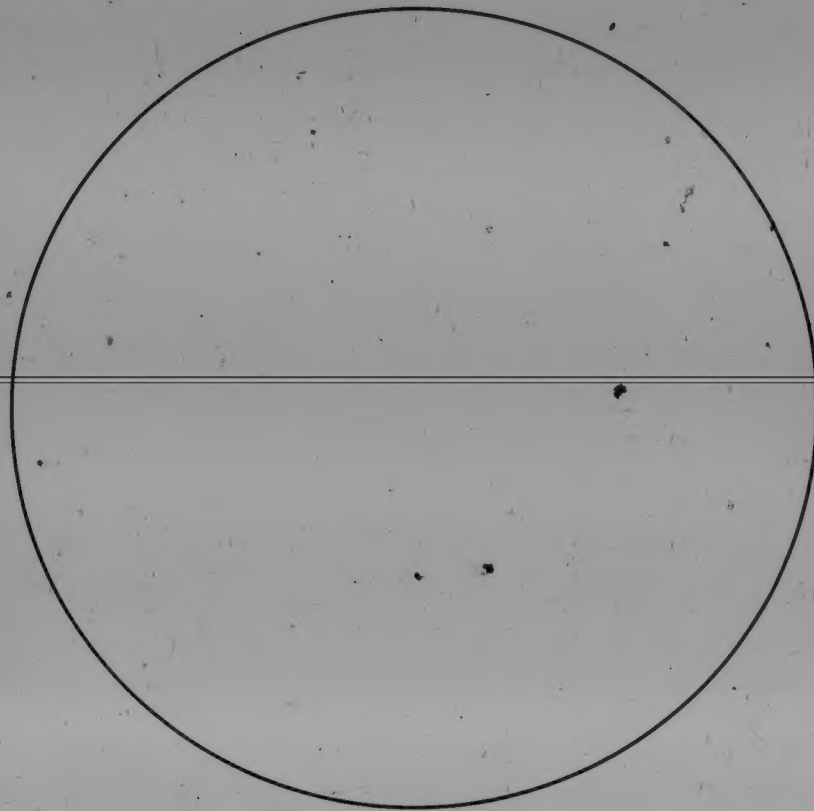
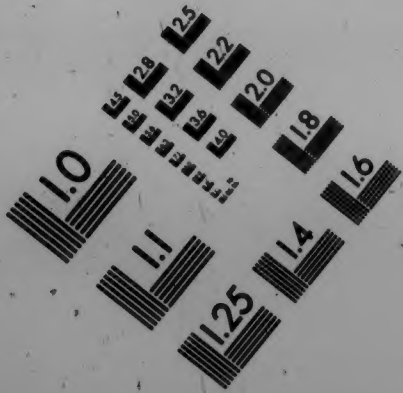


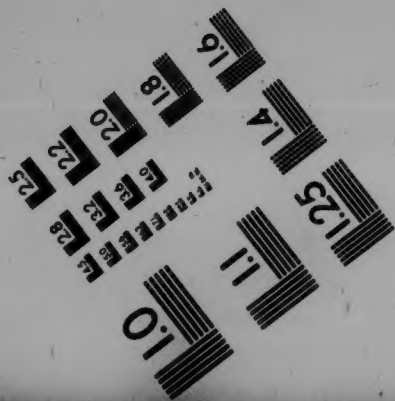
NATIONAL ARCHIVES CENTER
FORT WORTH, TEXAS



SHOULD MEASURE .25" AT REDUCTION



MANUFACTURED BY
PHOTOGRAPHIC SCIENCES CORPORATION
770 BARNET ROAD
P.O. BOX 239
WEBSTER, NEW YORK, 14580



NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M1301

**APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES**

1898 - 1914

ROLL 341

CHEROKEE R542 - R601

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Cher R 542

Cher R 542

1-10-1901

RECEIVED

FEB 10 1901

FEB 10 1901

[Signature]

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 15th, 1901.

In the matter of the application of Earl Hulsey for the enrollment of himself, and children as citizens of the Cherokee Nation; said Hilsey being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Earl Hulsey.
Q How old are you? A 26.
Q What is your post office? A Checotah.
Q In what district do you live? A Canadian.
Q Who is it you want to enroll, just yourself? A Yes, sir, and babies if I can get them on.
Q You have no wife? A Yes, sir.
Q You don't apply for her? A No, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a white woman? A Yes, sir.
Q When did you marry her? A In Georgia.
Q ~~When~~ did you marry her? A Three years ago.
Q How long have you lived in the Cherokee Nation? A About three months I guess.
Q Were you ever in the Cherokee Nation before that? A No, sir.
Q You are not on any roll then of the Cherokee Nation? A Yes, sir.
Q Did you draw Cherokee strip money? A Yes, sir, my mother drew for me.
Q Whenever you, back in Georgia? A Yes, sir I was not of age.
Q Give me the name of your father? A G. W.
Q Is he dead? A No, sir, he is alive.
Q Give me the name of your mother? A Sarah Hulsey.
Q Is she dead? A No, sir, she is alive.
Q Where are your father and mother living? A In Georgia.
Q How did your mother happen to draw strip money in 1894 did she come here? A Yes, sir.
Q When did she come? A I don't remember.
Q Just before the payment? A It was a year or so before the payment.
Q Was she ever here before that? A No, sir.
Q Did she leave just after the payment? A A short while I think.
Q So that her only residence here was a little before and little after the payment? A Yes, sir, I guess so.
Q Was your father ever here? A No, sir.
Q You were born in Georgia and lived there all your life until about three years ago? A Yes, sir.
Q Give me the names of these children? A Sammy.
Q How old is that child? A Two years old.
Q The next child? A Katie.
Q How old is that child? A About five months old.
Q Have you a certificate of your marriage to your wife? A Yes, sir.
Q What was your wife's name when you married her? A She was a Moss.
Q Ezzie Moss? A Yes, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you and she lived together ever since you were married?
A Yes, sir.

Com'r Breckinridge:--The applicant presents an official copy of the records of Dawson County, Georgia, showing that he and his wife, as stated by him, were lawfully married on the 7th of August, 1898. This is filed herewith.

Earl Hulsey--2.

Tribal Rolls of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:

1894 Pay Roll; page 43, #945, Earl Hulsey, Canadian district.

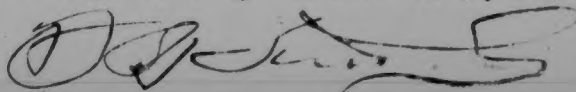
Com'r Breckinridge:--The applicant presents a duly authenticated certificate of admission to Cherokee citizenship, issued by the Cherokee Commission on Citizenship showing that he was admitted to citizenship as a Cherokee by blood, on the 26th of March, 1888.

The applicant applies for the enrollment of himself and two children: He is identified on the roll of 1894 and is shown to have been admitted to citizenship in 1888. He states that his name was put upon the roll of 1894 by his mother who was then in the Cherokee Nation for the first time in her life and ~~from~~ a brief period and he was in the State of Georgia. He further states that he was never in the Cherokee Nation until three months ago and he is now 26 years of age. Both in accordance with the provisions of the Curtis law regarding actual residence at that date in the Cherokee Nation and in accordance with the law ~~of~~ act approved December 4th, 1894 regarding persons to locate permanently within the limits of the Cherokee Nation within six months from the passage of the Act or from the date of readmission of persons readmitted, the applicant would not be ~~entitled~~ entitled to enrollment at this time, his conditions not conforming with their acquirements of law, nor would he possess the benefit of a minor in as much as he is 26 years of age and only came to the Cherokee Nation, as stated three months ago. The application therefore for the enrollment of the applicant is rejected... His marriage is established with his wife as stated by him, but he makes no application for her enrollment as she is a white woman and married too late under the Cherokee law of December 16, 1896 to entitle her under any conditions to enrollment. It is shown, however, to be a lawful marriage and the applicant is desired to supply the Commission with certificates of their birth of their two children, Samuel and Katie. They will be listed for enrollment as Cherokees by blood, but upon a rejected card with their father for the reasons stated in his case, their only right being through him.

---000000000---

J. O. Rosson, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of February, 1901.



Commissioner.

Box 123

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 15 1901

[Faint handwritten signature]
SPECIAL AGENT IN CHARGE

Can.
CHEROKEES BY BLOOD AND ADOPTION.

24
1 Name *Earl Hensley* Date *Chicotah* *Ind.* FEB 15 1901 1900

District *Can.* Year *1894* Page *43* No. *943*

Citizen by blood *yes* Mother's citizenship *Yes H. Hensley*

Intermarried citizen *no* *Sarah* " *as*

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 *Samuel Hensley* Dist. Year Page No. Age *2*

3 *Katie* Dist. Year Page No. Age *5 mo.*

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

No 2 and 3 Certificates of birth to be supplied.

5512

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 1901

State of Georgia Dawson County
To any Judge Justice of the Peace Minister of
the Gospel You are hereby authorized to join
Earl Hulsey and Miss Ezzie Moss in the
Holy State of Matrimony according to the
Constitution and laws of this State and for
so doing this shall be your License and you
are hereby required to return this License to me
with your Certificate hereon of the fact and
date of the Marriage
Given under my hand and seal this 7th
day of August 1898

Balaam Harben Ordinary
Dawson County Ga

State of Georgia Dawson County
I certify that Earl Hulsey and Miss
Ezzie Moss were joined in Matrimony by me
this 7th day of August Eighteen Hundred and
Ninty Eight

H. E. Terry J. P. } Recorded Sept 1898
Balaam Harben Ordinary

Dawson County Ga

I hereby Certify that the above is a true
Copy of the Marriage Certificate of Earl
Hulsey and Ezzie Moss

Given under my hand and seal of
Office this December 22 day of 1900

Balaam Harben Ordinary of
Dawson County Ga

IN RE

Application for Enrollment of

INFANT CHILD

George Emanuel Nicolson
as a citizen of the

United States Nation.

Approved, 190.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of George Immanuel Kelsey born on the 13 day of January, 1899
(Here insert name of child.)
Name of Father: Core Kelsey, a citizen of the Cherokee Nation.
Name of Mother: Izzie Kelsey, a citizen of the Cherokee Nation.
Post-office, Cherokee D.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Indian Territory,
Northern District.

I, Izzie Hulsey, on oath state that I am 21 years of age and a citizen, by George, of the Cherokee Nation; that I am the lawful wife of Earl Hulsey, who is a citizen, by blood, of the Cherokee Nation; that a Male child was born to me on the 13th day of January, 1899; that said child has been named George Samuel Hulsey, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

R. L. Lewis
R. M. Julian

Izzie Hulsey
mark

Subscribed and sworn to before me this 25th day of July, 1901.

J. C. Gower
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
State of Georgia, Hall County,
Northern District.

I, A. J. Robinson, a practicing physician, on oath state that I attended on Mrs. Izzie Hulsey, wife of Earl Hulsey, on the 13th day of January, 1899; that there was born to her on said date a male child; that said child is now living and is said to have been named George Samuel Hulsey.

WITNESSES TO MARK:

(Must be Two Witnesses.)

A. J. Robinson, M.D.
M. B. Smith
Fletcher M. Johnson

Subscribed and sworn to before me this 6th day of March, 1901.

W. M. Bell
Hall Co. Ga.
NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Nate Lee Hilsey

as a citizen of the

Cherokee

Nation.

Approved,

190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Kate Lee Hulsey, born on the 19 day of Apr, 1900
(Here insert name of child.)
Name of Father: Earl Hulsey, a citizen of the Cherokee Nation.
Name of Mother: Izzie Hulsey, a citizen of the Cherokee Nation.
Post-office, Cherokee, N.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
 Northern District. }
 District.

I, Izzie Hulsey, on oath state that I am 21
 years of age and a citizen, by marriage, of the Cherokee Nation;
 that I am the lawful wife of Earl Hulsey, who is a citizen, by
blood, of the Cherokee Nation; that a female child was
 born to me on the 19 day of Sept, 1900; that said child has been
 named Katie Lee Hulsey, and is now living.

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

{ B. B. Sanders
B. M. Julian

Izzie Hulsey
mark

Subscribed and sworn to before me this 25 day of July, 1901.

J. C. Grove
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
 State of Georgia, }
Northern District. }

I, A. J. Robinson, a practicing physician on oath state that I
 attended on Mrs. Izzie Hulsey, wife of Earl Hulsey,
 on the 19th day of Sept, 1900; that there was born to her on
 said date a female child; that said child is now living and is said to have been
 named Katie Lee Hulsey.

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

{ M. J. Smith
Fletcher M. Johnson

A. J. Robinson, M.D.

Subscribed and sworn to before me this 6th day of March, 1901.

Thos M. Dees
Notary Public
State Co. Ga

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation.

Approved.

1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED

MAY 1 1902

ACTING COM.

Muskogee, Indian Territory,
October 31, 1902.

On May 20, 1902, the Commission to the Five Civilized Tribes denied the application of Earl Hulsey and his two minor children for enrollment as citizens of the Cherokee Nation.

On August 21, 1902, the decision of the Commission was affirmed by the Secretary of the Interior.

The application for the enrollment of Ethel May Hulsey as a citizen of the Cherokee Nation is denied in accordance with the decision heretofore rendered.



Commissioner.



BIRTH AFFIDAVIT.

20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Ethel May Hulsey, born on the 3rd day of Feb., 1902
(Here insert name of child.)
Name of Father: Earl Hulsey, a citizen of the Cherokee Nation.
Name of Mother: Ozzie Hulsey, a citizen of the Cherokee Nation.
Post-office, Texasia, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, *Izzie Hulsey*, on oath state that I am *22* years of age and a citizen, by *marriage*, of the *Cherokee* Nation; that I am the lawful wife of *Earl Hulsey*, who is a citizen, by *blood*, of the *Cherokee* Nation, that a *female* child was (male or female.) born to me on the *3rd* day of *Feb.* *1902*; that said child has been named *Ethel May Hulsey*, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses) { *Izzie Hulsey*
L. B. Stitham
R. M. Julian

Subscribed and sworn to before me this *18th* day of *March* *1902*.

D. B. Ogden
NOTARY PUBLIC.
my Com. expires *Feb. 13th 1905*
AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, *Earl Hulsey*, a *farmer*, on oath state that I attended on Mrs. *Izzie Hulsey*, wife of *Earl Hulsey*, on the *3rd* day of *Feb.* *1902*; that there was born to her on said date a *female* child; that said child is now living and is said to have been named *Ethel May Hulsey*.

WITNESSES TO MARK:
(Must be Two Witnesses) { *Earl Hulsey*

Subscribed and sworn to before me this *18th* day of *March* *1902*.

D. B. Ogden
NOTARY PUBLIC.

my Com. expires *Feb. 13th 1905*

Certificate of Admission to Cherokee Citizenship

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION.

To all Whom it May Concern---GREETING:

This is to certify, That the foregoing named, to-wit: Sarah M. Hulsey, female aged 39 years; Ella V., female, aged 20 years, Alonzo, Male, aged 16 years; Earl, Male, aged 13 years; Rosalee, female, aged 10 years; Lourinda, female, aged 8 years; Charles, male, aged 4 years, and Roscoe Hulsey, Male 2 years, did pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine applications for Cherokee citizenship," make such application to and before said "Commission" on the 22nd day of August, 1887; that the proof submitted by the above named applicants in support of their said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council- and that, by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name, as Chairman of the Commission, on this the twenty-sixth day of March, 1888.

(Signed) D.W. Lipe
Chairman Com. on Citizenship.

Acting.

Attest:

Connell Rogers,
Clerk Com. on Citizenship.

Approved and endorsed:

J. B. Mayes,
Principal Chief, C. N.

Henry Eiffert,
Apt Ex Sect'y C. N.

(SEAL)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. August 21, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Earl Hulsey et al for enrollment as citizens of the Cherokee Nation.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Earl Hulsey for the enrollment of himself and children as citizens of the Cherokee Nation.

D E C I S I O N

It appears from the record in this case that Earl Hulsey appeared before the Commission to the Five Civilized Tribes on the 15th day of February, 1901, and made application for the enrollment of himself and his minor children, Samuel and Katie Hulsey, as citizens by blood of the Cherokee Nation. The evidence shows that the said Earl Hulsey was admitted to citizenship in the Cherokee Nation on the 26th day of March, 1888, and it appears that at the time of such admission he was 26 years old. He did not remove to and settle in the Cherokee Nation until 1899. His parents have never lived in the Cherokee Nation. It appears that he was married in the State of Georgia to Ezrie Moss, a white woman, on the 7th day of August, 1898, and the two children, Samuel and Katie, for whom this application is made, are the result of that marriage.

The Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

Sec. 21. Paragraph 9. No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship; x x x x"

The Cherokee law of December 4, 1894, provides:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter re-admitted, or no rights whatever shall accrue to such persons by reason of such re-admission; Provided that nothing in this act shall bar minors and orphans."

Under the provisions of the foregoing law, and in view of all the facts in this case it is considered that Earl Hulsey never consummated his rights of citizenship in the Cherokee Nation.

He is identified on the tribal roll of 1894, but this Commission is making rolls of citizenship of the Cherokee Nation is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the above provisions of law it is considered that the name of Earl Hulsey appears upon the tribal roll of 1894 without authority of law.

Application is also made for his minor children, Samuel and Katie Hulsey, but it is evident that they could acquire no rights not possessed by either of their parents.

It is the opinion, therefore, of this commission that the application made by Earl Hulsey for the enrollment of himself and for his minor children, Samuel and Katie Hulsey, as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

Dated at Muskogee, Indian Territory,


Commissioners.

this 20 day of May 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 20 1901

ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 19, 1901.

Mr. Earl Hulsey,

Checotah, Indian Territory.

Sir:-

The Commission is in receipt of birth certificates in the matter of the applications for enrollment of George Samuel Hulsey, born on the 13th day of January, 1899, and Kate Lee Hulsey, born on the 19th day of September, 1900, as citizens of the Cherokee Nation.

When you applied for the enrollment of these two children, you advised the Commission that their names were Samuel and Katie Hulsey, respectively, and they have been listed for enrollment under said names.

Please advise the Commission under what names you desire to have these children enrolled.

Respectfully,

Acting Chairman.

In answering refer
to Cher. C - R 542.

COPY.

Cher. R-542.

Muskogee, Indian Territory, May 20, 1902.

Earl Hulsey,

Chesotah, Indian Territory.

Dear Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and children, Samuel and Katie Hulsey, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

Tame Dixby

Acting Chairman.

Enc. R-542.
Registered.

COPY.

Muskogee, Indian Territory, May 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Earl Hulsey for the enrollment of himself and his minor children, Samuel and Katie Hulsey, as citizens of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application for the enrollment of Earl Hulsey et al. as citizens of the Cherokee Nation.

Very respectfully,

(SIGNED) *Jams Bixby.*

Acting Chairman.

Enc. R-542.

Through the Commissioner of
Indian Affairs.

8542

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R-542.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of Earl Hulsey for the enrollment of himself and children, Samuel and Katie Hulsey, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Acting Chairman.

Enc. R-15.

Refer in reply to
the following:
Land
31143-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Earl Hulsey for the enrollment of himself and his minor children Samuel and Katie, as citizens by blood of the Cherokee Nation.

The evidence shows that Earl Hulsey was admitted to citizenship March 26, 1888, when 26 years of age, and that he removed to and settled in the Cherokee Nation in 1899. He was married in the State of Georgia to Ezzie Moss, a white woman, August 7, 1898.

The Commission declined to enroll the applicant because he was not, prior to June 28, 1898, a resident of the Cherokee Nation and because he did not remove to and establish a residence therein within six months from the date of his admission to citizenship.

It is respectfully recommended that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

R542
D. C. No. 13920-1902.

L. R. S.

50111

EAF.

ITD. 5044-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 21, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On May 20, 1902, you transmitted the record in the matter of the application for enrollment of Earl Hulsey and his minor children, Samuel and Katie Hulsey, as citizens of the Cherokee Nation.

The evidence shows that Earl Hulsey was admitted to Cherokee citizenship in 1888; that he did not remove to and settle in good faith in said nation until 1899; that he was 26 years of age at the time of making application in February, 1901; and that he is identified on the 1894 tribal roll. Paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), declares that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship." You therefore denied the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 16, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

Cherokee R-542

Muskogee, Indian Territory, August 22, 1902.

Earl Hulsey,

Chasctah, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certificate from the Commission on Citizenship, showing the readmission of yourself and others on March 26, 1898, to citizenship in the Cherokee Nation.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-4.

Muskogee, Indian Territory, September 4, 1902.

Earl Hulsey,

Checotah, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself and your two minor children, Samuel and Katie Hulsey, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 21, 1902.

Respectfully,

James H. H. H.
Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON I. AVIESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 542.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Earl Hulsey for the enrollment of himself and his two minor children, Samuel and Katie Hulsey, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 21, 1902.

Respectfully,

Tamm Bixby
Acting Chairman.

D.C. 7802)1904.

ITD. 5044-1902
7162-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
FHE
LRS

March 5, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 21, 1902, the Department affirmed your decision rejecting the application for the enrollment of Earl Hulsey and his two minor children, Samuel and Katie Hulsey, as citizens by blood of the Cherokee Nation.

On September 21, 1903, you requested that this case, among others, be remanded to you for readjudication under the ruling of the Department in the Yeargain case.

It appears that at the time the testimony in this case was taken on February 15, 1901, the principal applicant was 26 years of age; that Samuel Hulsey was two years of age, and Katie Hulsey four months old. The evidence shows that the principal applicant was admitted to citizenship in the Cherokee Nation in 1888; that he did not remove to and settle in the Cherokee Nation until the latter part of 1899. His parents have never lived in the Cherokee Nation.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, approved by the

-2-

Department, it is not considered necessary to remand this case.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

COPY.

Cherokee R-542.

Muskogee, Indian Territory, May 29, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 20, 1905, asking to be advised as to the status of Cherokee Enrollment case No. R-542.

In reply you are advised that an examination of the records of the Commission shows that its decision dated May 20, 1902, rejecting the application for the enrollment of Earl Hulsey, et al. as citizens of the Cherokee Nation, Cherokee R-542, was forwarded to the Secretary of the Interior on August 21, 1902.

Respectfully,

(SIGNED). *Tams Birby.*
Chairman.

COPY.

Cherokee R-542.

Muskogee, Indian Territory, June 19, 1905.

Izzie Barker,

Sherman, Texas.

Dear Madam:

The Commission is in receipt of your letter of June 10, 1905, relative to the enrollment of Earl Hulsey, et al., as citizens of the Cherokee nation. You inclose certain letters which are herewith returned to you.

In reply you are advised that the Commission's decision, rejecting the application for the enrollment of the said Earl Hulsey, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 31, 1902.

Respectfully,

Incl. S-4.

(SIGNED)

Tanne Dixby.

Chairman.

Cher R 543

Cher R 543

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 18th 1901.

In the matter of the application of Jesse J. Leader, for the enrollment of himself, wife and three children as Cherokee citizens; he being sworn before Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Jesse J. Leader.
Q What is your age? A. 37.
Q What is your post office address? A. Texanna.
Q In what district do you live? A. Canadian
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir
Q By blood or inter-marriage? A. By blood.
Q Who do you want to have enrolled? A. Myself and family.
Q Are you married? A. Yes sir.
Q What is your wife's name? A. Mary O.
Q What was her maiden name? A. Bean.
Q Is she a Cherokee citizen by blood? A. White woman.
Q How old is she? A. 22.
Q When were you married to her? A. In 1896.
Q Have you any certificate of marriage? A. No sir got it misplaced and lost.
Q What are the names of your children? A. Claudie J.
Q How old is Claudie J. ? A. Three.
Q Next child? A. John
Q How old? A. Two.
Q Next? A. Joseph M.
Q How old? A. Four months.
Q What is your father's name? A. William D.
Q Is he living? A. Yes sir.
Q What is your mother's name? A. Nancy.
Q Is she living? A. No sir.

Upon an examination of the 1880 authenticated roll of the Cherokee Nation, page 32 #879 thereof appears the name of Jim Leader in Canadian district.

- Q You say your father and mother are both dead? A. Mother is dead, my father is living.
Q Is your father a white man? A. No sir he is a Cherokee.

Upon an examination of the 1896 census roll of the Cherokee Nation, page 43, #1180 thereof, appears the name of James J. Leader in Canadian district.

- Q Do you apply for the enrollment of your wife? A. Yes sir.
Q Have you no proof of your marriage? A. My marriage license and certificate is misplaced and lost; there is a man in town who was at the wedding.

Upon an examination of the 1896 census roll of the Cherokee Nation, page 90, #166 appears the name of Mary O Leader in Canadian district.

- Q How long have you lived in the Cherokee Nation? A. Born and raised there.
Q Living there now? A. Yes sir.

Com'r Needles, -

The name of Jesse J. Leader appears on the authenticated roll of 1880 and is identified there as Jim Leader, and on the 1896 census roll as James J. Leader. He avers that he was married to Mary O. Bean

a non-citizen, in 1896, but presents no proof of marriage. He also avers that as a result of said marriage he has three children, Claudie J., John and Joseph M., whose names are not found on the census roll of 1896, but he presents satisfactory proof of birth. They are all duly identified, and make satisfactory proof of residence, consequently he will be listed for enrollment as a Cherokee by blood. He avers that he was married to his present wife, a non-citizen in 1896, too late under the Cherokee law to receive any of the benefits of Cherokee citizenship by intermarriage, consequently the application for the enrollment of his said wife Mary C., is refused and she will be rejected. The names of his three children, Claudie J., John and Joseph M., will be listed for enrollment as Cherokees by blood when he presents satisfactory proof of marriage to his wife.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise
 Subscribed and sworn to before me this the 19th of February, 1901.

W. H. L. L.
 Commissioner

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVIL
SES.

FILED
FEB 18 1901

[Signature]
ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date FEB 18 1901 1900.

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood **Mother's citizenship**

Intermarried citizen

Married under what law..... Date of marriage.....

License REGISTERED PROFESSIONAL ENGINEER - CIVIL **Certificate** ISSUED UNDER THE PROFESSIONAL ENGINEERING ACT, 1947

Wife's name Mary W. Hendon

District San Year 1978 Page 10 No. 122Citizen by blood *md* Mother's citizenship *X*

Intermarried citizen..... *yes.*

Married under what law Date of marriage

License..... Certificate.....

Names of Children :

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

90 R 5713
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

FILED

MAR 4 1902

[Handwritten signature]
ACTING CHIEF OF BUREAU

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Mary C. Leader, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and forty-three, it is entitled Mary C. Leader, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 843.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Mary C. Lender,
Texanna, Indian Territory.

Sir:

On the 18th day of February, 1900, your husband, Jesse J. Lender, appeared before the Commission to the Five Civilized Tribes and made application for your enrolment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the Commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 689, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white person, and that you were married to Jesse J. Leader, your said husband, in 1896. Your husband appears to be a citizen by blood of the Cherokee Nation, and you are identified on the Cherokee census roll of 1896, but your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage thereof.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) ~~James B. Pugh~~

Inclosure.
Register.

~~James B. Pugh~~
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FEB 14 1902

FEB 14 1902

Mary C. Leader

Cherokee Nation

Cherokee No. 543.

Warrior, Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES

FILED
MAY 1 1902

[Signature]
ACTING CHAIRMAN

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 3, 1902.

I. T. D. 2151-1902.
D. C. 6001-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Mary C. Leader, R 543, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary,
D.I.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-543

Muskogee, Indian Territory, April 17, 1902.

Mary C. Leader,

Texana, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very Respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-545.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Mary C. Leader, Cherokee No. R 545, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

MAY
28
1900

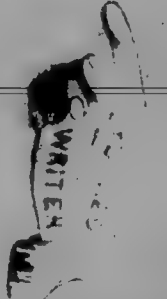


Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

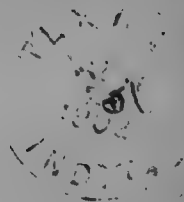
OFFICIAL BUSINESS.
Penalty for private use, \$300.
6661



Wm. H. Fuller
Paymaster



Ind. Ter.



Cher R 544

Cher R 544

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1907

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE? 1.T.FEBRUARY 21st, 1901.

In the matter of the application of Samuel S. Sweeten for enrollment as a citizen of the Cherokee Nation; said Sweeten being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Samuel S. Sweeten.
Q How old are you? A I was born in '47 I reckon I am 54 years old.
Q What is your post office? A Inola.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Have been for a good many years.
Q By blood or intermarriage? A I was by marriage.
Q Who do you want to enroll? A I want to enroll myself, my family has been enrolled.
Q You apply as a citizen by intermarriage do you? A Yes, I apply by marrying.
Q What is her name? A Rebecca Bibles.
Q Is she living? A No, sir, she has been dead four years.
Q When did you marry her? A I married her I guess in 1864.
Q Have you got any certificate of marriage? A Yes, sir; I have got that. (Hands paper to Com'r.)
Q This is an affidavit only that somebody saw you married; you were married to her when? A August, '64.
Q Was Rebecca Bibles a citizen of the Cherokee Nation? A Yes, sir she was born in the Cherokee Nation.
Q Her name was Bibles when you married her? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Bibles was her maiden name? A Yes, sir.

Tribal rolls of the Cherokee Nation examined and applicant's name found thereon as follows:
1896 Census roll; page 323, #924, Sam S. Sweeten, Cooweescoowee district.

- Q Is your wife living? A No, sir.
Q When did she die? A She died May, '65 I think.
Q Did you live with her from the time of your marriage until the time of her death? A Yes, sir.
Q Have you married since? A Yes, sir.
Q To whom? A I married a woman named Tinker.
Q White woman? A Yes, sir.

Com'r Needles:--The name of Samuel S. Sweeten is found upon the census Roll of 1896. He avers that he was married to Rebecca Bibles, a Cherokee citizen, in 1864 and that the said Rebecca Bibles died in the month of May, 1865. Applicant avers that since that time,--Q What is the name of your present wife? A Lola Tinker,--he married one Lola Tinker, a non-citizen. According to the laws of the Cherokee Nation, providing that intermarried persons who remarry white citizens shall forfeit their right to citizenship as intermarried citizens, consequently the said Samuel S. Sweeten's application for enrollment as a Cherokee citizen by intermarriage is rejected.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 23d day of February, 1901.

J. O. Rosson
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 21 1901


(P)

R 5411

COMMISSION TO THE INTER-STATE COMMERCE COMMISSION

FILED

MAR 4 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Samuel M. Sweeten, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 544, it is entitled Samuel M. Sweeten, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.544.

215
1005

(COPY)

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

Cherokee Case No. R. 544.

Muskogee, Indian Territory, February 14, 1902.

Mr. Samuel M. Sweeten,

Inola, Indian Territory.

Sir:-

On the 21st day of February, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for your enrolment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are identified on the Cherokee census roll of 1896. You claim to have been married in 1864 to Rebecca Bibbes, alleged to be a citizen by blood of the Cherokee Nation. You further testify that she died in May, 1865? and that since her death you married Lola Tinker, a white woman and non-citizen.

In making rolls of citizenship of the Cherokee Nation the Commission is governed by the following provisions in the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose patents by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their

parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Sec. 666. Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this act shall cease."

It does not appear from the testimony that you were married to Rebecca Bibbes by authority of a marriage license issued by the Cherokee tribal authorities, nor does it clearly appear that the said Rebecca Bibbes was a citizen of the Cherokee Nation. Assuming however that she was, and your marriage to her was in accordance with the provisions of the Cherokee law, then it would appear that by your marriage to a white woman since the death of your Cherokee wife you have forfeited all such rights of citizenship as you may

have acquired by your former marriage. It is evident, of course, that you could acquire no rights by virtue of your last marriage.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) Tamir Kirby,

~~Acting Chairman~~

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of Samuel M. Sweetser for enrollment as citizen of the
Cherokee Nation.

11/11/1902
Attorney for Cherokee Nation.
()

Cherokee No.

Pr 544.

Copy.

Refer in reply to the following.

Lead.

11492--1902.

11729--1902.

11730--1902.

11731--1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 21, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to office report of even date transmitting the record relative to 129 applicants for enrollment as citizens of the Cherokee Nation, there is enclosed, herewith, the record relative to 47 applicants for enrollment as citizens of said nation.

These applicants claim that they are entitled to enrollment as citizens by intermarriage. The Commission forwarded the record in each case with a separate report and said reports are also transmitted, herewith. The names of the applicants are as follows:

Number	Name	Number	Name
39	Adaline Abel	42	Alfred D. Stewart
43	Martha A. Hunter	43	Edward E. Kump
47	Evie Hall	52	Annie Nelson
50	Burford L. Sumnerhill	58	David Goff
64	Andrew J. Jeremiah	66	Joseph H. Boyd
67	Charles G. Barnett	72	Henry Walters
84	William A. Hall	103	Ellen West
111	Missouri Williams	115	Daniel A. LaBarge
132	George E. Tall	131	Willa Roberts
140	Robert Kline, Sr.	150	James T. Skinner

Number	Name	Number	Name
153	George H. Warren	166	William R. Stuart
176	George W. Gibbnay	240	Frank Corban
248	John Hunt	251	John T. Rice
254	Enos W. Parsons	262	Richard B. Carrington
264	Lambert T. Kinhead	270	Ben Hall
276	Elizabeth Hall	293	William B. Wallace, Sr.
324	Silas T. Busby	357	Cansada Youngblood
366	Edith Evans	423	Joseph A. Prather
425	Emily O. Mensley	438	Mary A. Jones
455	John W. Stevenson	458	Frank H. Garrison
467	Samuel W. Carpenter	475	Lillie Hood
483	Ed Gwartney	522	William J. Hawkins
544	Samuel H. Sweeten	559	Mary S. Armstrong
632	Malinda Latham		

Section 21 of the Act of June 28, 1898, (30 Stats., 495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such, intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee laws is as follows:

Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section governs the cases transmitted, herewith,

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequent to the death of said citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

Report of J. J. Insull.

RECEIVED

On the 28th of January, 1914, I received from the
Federal Bureau of Investigation, Washington, D. C., a letter
dated January 27, 1914, in which it was stated that
the Bureau was interested in the character of the
person mentioned in the enclosed letter.

RECEIVED

Very truly,
J. J. Insull.

L.R.S.

18089.

F.

J.P.

Department of the Interior.

Washington,

March 26, 1902.

I. T. D. 1803-1902.
D. C. 5332-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date, rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Samuel M. Sweeten, R 544, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary,
H.M.D.

As of March, 1944, however, by virtue of the Wheeler Law, all of the property of individuals who are citizens of interest in the United States is frozen, and such persons are required to report their assets, and such persons are required to report their assets, and such persons are required to report their assets.

1900

ACQUINO CHAIRMAN

DEPARTMENT OF THE INTERIOR,

Washington.

I. T.D. 1759-1902.

March 26, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 14, 1902, you transmitted the record in the matter of the application for enrollment of Adaline Abel as a Cherokee citizen by intermarriage-R 39.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1883; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 21 of the act of June 23, 1898, (30 Stats., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1856 (see "Laws of the Cherokee Nation" published by the act of the National Council in 1892), provides:

"Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or foreign, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs March 21, 1902,
transmitting the case with others, recommended that your decision
be concurred in.

The claimant, as held by you, by virtue of the Cherokee law,
forfeited her rights to enrollment as a Cherokee citizen by inter-
marriage after the death of her Cherokee husband, with a person not
a citizen of the Cherokee Nation, and your decision is affirmed.
A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell,

Acting Secretary,
E. I. B.

1 inclosure.

Cherokee-R-544.

Muskogee, Indian Territory, April 10, 1902.

Mr. Samuel H. Sweeten,

Inola, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of March, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-544.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Samuel M. Sweeten, Cherokee No. R. 544, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March, 1902.

Very respectfully,


Commissioner in Charge.

Cher R 545

Cher R 545

CR 345 ✓

COMMISSION

DEC 21 1902

CHIEF CLERK

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 11, 1902.

In the matter of the application of Willie H. Davis for the enrollment of herself as a citizen by blood of the Cherokee Nation.

Annie E. Eshbach, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Annie E. Eshbach.
Q How old are you? A Thirty-eight.
Q What is your postoffice address? A Fawn.
Q Are you acquainted with the applicant in this case, Willie H. Davis? A Yes sir.
Q How are you related to her? A Her mother.
Q Who is the father of this child, Willie H.? A Cicero Davis.
Q Is he living? A Yes sir.
Q Is he a white man or Cherokee? A Cherokee.
Q Where is he now? A He is down in Canadian District, Cherokee Nation.
Q When was this child born? A Born fifteen years ago last February.
Q Is it a boy or a girl? A A girl.
Q What was your name when this child was born? A Annie Wilson.
Q Was that your maiden name? A Yes sir.
Q Were you ever married to Cicero Davis? A No sir.
Q Did you ever live with him as his wife? A No sir.
Q Where was this child born? A At my father's house.
Q In the Cherokee Nation? A Yes sir.
Q Where was Davis living at that time? A He was living right where he is living now.
Q How far from your place? A About four miles.
Q Has this child always lived in the Cherokee Nation? A Yes sir.
Q Never made its home outside of the nation? A No sir.
Q Living there now? A Yes sir.
Q Did Cicero Davis ever recognize this child as his? A Yes sir, always has.
Q Has he ever contributed anything to the support of the child? A Yes sir.
Q How much and how often has he contributed anything to the support of this child? A Well, he hasn't give her but about twenty dollars altogether.
Q Has he ever publicly recognized the child as his? A Yes sir.
Q In the presence of other people? A Yes sir.
Q What is his present postoffice address? A Fawn.
Q Where is this child living now, with you? A Yes sir.
Q Is the father of this child, Cicero Davis, on the 1880 roll? A Yes sir.
Q Is there anybody living who heard Davis acknowledge that this was his child? A Yes sir.
Q Can you bring any such people before the Commission to testify to that fact? A Yes sir.
Q Is Cicero Davis married now? A Yes sir.
Q What is the name of his present wife? A Sidney.
Q He married her after this child of yours was born? A Yes sir.
Q Was he married when this child of yours was born? A No sir.
Q He was a single man was he? A Yes sir.

It appears from the records of the Commission that the said Cicero Davis is not identified on the authenticated Cherokee roll of 1880 but appears to have been recognized as a Cherokee on June 2, 1871, by the Chief Justice of the Supreme Court of the Cherokee Nation.

The records of the Cherokee Nation in the possession of this Commission show that the said Cicero Davis is identified on the 1883, 1886, 1890 and 1894 pay rolls of said nation, and on the 1896 census roll of said nation, as a Cherokee by blood. It appears from the records of the Commission that on September 20, 1902, the Commission rendered a decision in the matter of the application of said Cicero Davis granting him enrollment as a citizen by blood of the Cherokee Nation.

Q You are a white woman are you not? A Yes sir.
Q You are not recognized as a citizen of the Cherokee Nation?
A No sir.

Irving Eshbach, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Irving Eshbach.
Q How old are you? A Forty-four.
Q What is your postoffice address? A Fawn.
Q Are you the husband of Annie E. Eshbach who has just testified in this case? A Yes sir.
Q Do you know the applicant in the case, Willie H. Davis? A Yes sir.
Q How long have you known her? A I have known her ever since she was born.
Q Where were you living when she was born? A I stayed around there; I was a single man; I was one place and another; I worked for him right after she was born.
Q Worked for Davis? A Yes sir.
Q Do you know the father of this child? A Yes sir.
Q The reputed father, Cicero Davis? A Yes sir.
Q Has Davis ever stated to you that he was the father of this child? A Yes sir.
Q Stated that directly to you? A Yes sir, directly.
Q When? A Right after the child was born; it was about a year old.
Q What did he say about it? A He said it was his child, and was satisfied it was.
Q Has he recognized it as his child since that time? A Yes sir.
Q Does this child ever visit Cicero Davis? A No sir.
Q Does he ever come to see the child? A Once.
Q When? A Once, since I was married to this woman.
Q How long have you been married to this woman? A Ten years.
Q During that time he come to see the child once? A Yes sir.
Q Did he come there for the purpose of seeing the child, did he state that to you? A No sir, I wasn't at home.
Q You weren't there? A No sir.
Q Davis is a Cherokee by blood is he? A Yes sir, that is what he says.
Applicant recalled: Did Davis ever come to visit this child after its birth? A Yes sir.
Q When? A Up until it was ten months old.
Q How often did he come during that time? A He come from two to three times a week.
Q How long was it after the birth of the child before he came the first time? A It was a week old.
Q Did you draw the strip money for Willie H. Davis in 1894? A Yes sir.
Q Did you draw it when the other people drew their money? A Yes sir.

3-Willie H. Davis-

Q Where did you draw it? A Webbers Falls.

Q Under the name of Willie H. Davis? A Yes sir.

Q How old do you say this child is now? A Fifteen years old, will be sixteen in February.

Q Did you ever draw any other money for her? A No sir.

Q You didn't draw the money for her at the payment that was made in 1890? A No sir, I wasn't in Canadian District when they were taking the roll.

Q Where were you? A I was here in Muskogee, and it was all done away with before I was notified, before I knew anything about it.

Q This child has always lived in the nation has it? A Yes sir. It always has been recognized as a Cherokee citizen.

Q Who drew the money for this child in 1894? A I did.

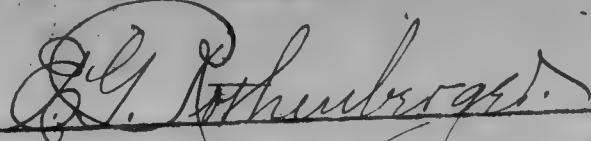
Q Your name was Eshbach at that time? A Yes sir.

Q You never had any other children by the name of Davis did you? A No sir.


There is identified on the Cherokee Strip Payment Roll of 1894 at page 25, No. 567, in Canadian District one William Davis, a female. The \$265.70 which the child received at said payment was drawn by Annie Eshbach or Wilson.

Q You were sometimes known as Annie Wilson too, were you; that was your maiden name? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 11th day of December, 1902.



Notary Public.

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

FILED
FEB 27 1900

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 23rd, 1901.

IN THE MATTER OF THE APPLICATION OF Annie Bahbach for the enrollment of her child, WILLIE DAVIS as a citizen of the Cherokee Nation, and said Annie Bahbach, being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name? A Annie Bahbach.
Q How old are you? A Thirty five.
Q What is your Postoffice address? A Pawn.
Q What district do you live in? A Canadian.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q Whom do you desire to enroll? A My oldest child, Willie Davis.
Q How old is he? A Fourteen years old.
Q What is his father's name? A Cicero Davis.
Q Is he a Cherokee citizen by blood? A Yes, sir.
Q Who is the mother of ~~the~~ Willie Davis? A I am.
Q Were you married to Cicero Davis? A No, sir.
Q Never were married to him? A No, sir.
Q Willie Davis was born out of wedlock then? A Yes, sir.

Tribal Rolls of the Cherokee Nation examined and the name of Willie Davis is found on the census roll of 1896 as follows:
Page 20, #560, Willie H. Davis.

- Q Did he have any middle name? A Willie Helene Davis.
Q How old is he now? A She's fourteen now.

Com'r. T. B. Needles: The name of Willie H. Davis is found up on the census roll of 1896; the applicant ~~states~~ applies for the said Willie H. Davis, averring that she is the mother ~~and Cicero Davis~~ of the said Willie H. Davis; and that she is a non citizen; she avers that the father of the child, Cicero Davis was a citizen by blood; that said child was born out of wedlock; that she the applicant was not married legally to said Cicero Davis; consequently the application for the enrollment of Willie H. Davis is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of February, A. D., 1901.



COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Willie H. Davis as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record herein shows that on February 23, 1901, Annie Hahbach appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her daughter, Willie H. Davis, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on December 11, 1902.

The evidence shows that Willie H. Davis, at the time of this application, was fourteen years of age, and the daughter of one Cicero Davis, a Cherokee citizen by blood who is identified on the Cherokee tribal rolls of 1823, 1825, 1840, 1894 and 1896. The said Willie H. Davis is identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1895.

The evidence further shows that the said Willie H. Davis has lived in the Cherokee Nation all her life.

It is, therefore, the opinion of this Commission that Willie H. Davis should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 20, 1896 (30 Stat., 425), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Birby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., March 5th., 1903.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT
OF WILLIE H. DAVIS AS A CITIZEN BY BLOOD OF THE CHERO-
KEE NATION.

R-645

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respect-
fully protests against the decision of the Commis-
sion entered on March 2nd., 1903, in the above
case and asks that the same be forwarded to the
Secretary of the Interior for review.

The testimony in this case shows that Willie
H. Davis is the illegitimate child of Annie Nash-
bach, a white woman, who is not a citizen of the
Cherokee Nation, and who claims no right to citi-
zenship whatever in the Nation. She says that
she was never married to the father of the child,
and that the child was born out of wedlock.

The name of the alleged father of the child
does not appear upon the roll of 1880, and we
can see no legal reason why the child should be
enrolled as a citizen of the Cherokee Nation.

The Commission, strange to say, does not al-
lude to the fact that this child is an illegitimate
child. It however, finds beyond question that
it is a daughter of Cicero Davis, upon the unsup-
ported testimony of the mother of the child, a
woman of confessedly loose morals, having given
birth to a child of doubtful parentage; in fact,
no father known to the law.

Section 21 of the Curtis Bill provides: for
the enrollment of all persons and their descendants
whose names appear upon the 1880 Roll, and all
persons and their descendants who have been admit-
ted by the tribal authorities. But the name of
the averred father of this child does not appear
upon the 1880 Roll, neither does it show that he
was admitted; neither is there any proof that he
is the father of the child; and we submit in all
sincerity that this child is not entitled to be en-
rolled as a citizen by blood of the Cherokee Nation.

Respectfully submitted,

Wm. H. Long

Attorney for Cherokee Nation

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-545

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Annie Eshbach for the enrollment of her daughter, Willie H. Davis, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-9167

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-545

Muskogee, Indian Territory, March 20, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

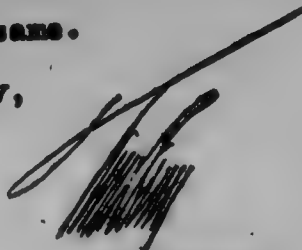
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Annie Eshbach for the enrollment of Willie H. Davis as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated March 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated March 11, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Chairman.

COMMISSIONERS

TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-545

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 2, 1903, granting the application of Annie Eshbach for the enrollment of her minor child, Willie H. Davis, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 23, 1903.

Respectfully,



Commissioner in Charge.

R

545

R 545

CHEROKEE

WILLIAM H. DAVIS.

545

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 546

Cher R 546

SPACIALLY OF THE
CO. TO THE H. L. C. JES.

FILED
FEB 27 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 26th, 1901.

In the matter of the application of John M. Morse for enrollment as a citizen of the Cherokee Nation; said Morse being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A John M. Morse.
Q What is your age, Mr. Morse? A 33.
Q What is your post office address? A Okmulgee.
Q What district do you live in? A Choweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll? A Just myself.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What is her name? A Ida H. Morse.
Q What was your wife's name before you married her? A Ewers.
Q What is her age? A Must be about 49.
Q Have you any certificate of your marriage? A No, sir.
Q No proof of your marriage have you? A Only the records.
Q Only what records, have you got them? A I got married in '91.
Q Did you have a married license? A I got a marriage license in the Cherokee Nation/
Q Have you got your license? A No, sir.
Q You say you just want to enroll yourself? A Yes, sir.
Q Are you living with your wife? A No, sir.
Q When did you leave your wife? A Left her in '92.
Q Have you married since? A No, sir.
Q You abandoned her did you? A No, sir, we agreed to disagree.
Q Did you ever get a divorce? A No, sir.
Q Did she? A Not of my knowing.

By W. W. Hastings, Cherokee Representative:

- Q How long did you live with this woman? A Fourteen months to a day.
Q Continuously? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Was she? A Yes, sir.
Q She has been married before? A Yes, sir, had four children.
Q First husband dead? A Yes, sir.
Q When you married her, I mean? A Yes, sir.
Q You are her second ~~xxxx~~ husband? A Yes, sir.

Applicant: My name is not on the roll of 1896; I never enrolled.

Applicant's wife's name identified on the 1880 Authenticated Roll of citizens of the Cherokee Nation, page 527, #617, as Ida H. Ewers, Illinois district.

By Commissioner Needles:

- Q Well, you have no certificate of marriage; did you leave her or did she leave you? A I suppose I left her.

By W. W. Hastings:

- Q You left her yourself did you? A I went away, yes.
Q Where did you leave her? A She was at her home.
Q And you left her at her place? A Yes, sir.
Q And you have not been back there? A Yes, sir, I have been back twice.
Q She is making her own support? A Yes, sir.

John M. Morse--2.

Q And you have not contributed anything since you left her?

A Only what I left there, I broke about one hundred acres of land and had a lot of hay and made a crop of very near three hundred acres.

Com'r Needles:--The name of John M. Morse is not found upon the census roll of 1890 or any roll now in the possession of the Commission. He avers that he was married to one Ida H. Ewers in the year 1891 and presents no satisfactory proof of his marriage, and the name of Ida H. Ewers is found upon the authenticated roll of 1880. He avers that he ~~latter~~ lived with his wife, whose was a citizen by blood, about 14 months and then abandoned her. According to the testimony it is evident to the Commission under Section 667 of the Cherokee statute providing that in a case of the abandonment by an intermarried citizen of a citizen by blood, said intermarried citizen shall forfeit his right to citizenship, is applicable to this case; consequently the application of John M. Morse for enrollment as a Cherokee citizen by intermarriage will be rejected.

---000000000---

J.O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is true and complete transcript of his stenographic notes thereof.

J.O. Fosson

Subscribed and sworn to before me this 26th day of February, 1901.

J. B. Needles

Commissioner.

R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 26 1901

[Handwritten signature]
S. G. C. C. C.

to one in that state of citizens desired to be. For of them were
the "theoretical" to be present until and the "practical" under
"theoretical" vs."

In view of the fact and nature of this case, it
is the opinion of this Commission that the application of John
for the privilege of himself as a citizen by interview
of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE CHIEF OF THE CHEROKEE NATION
DIVISION OF THE CHEROKEE NATION

FILED

APR 29 1906

JOHN CHIEF

1906

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of John M. Morse for enrollment as a citizen of the Cherokee Nation.

D E C I S I O N .

It appears from the record in this case that John M. Morse appeared before the Commission to the Five Civilized Tribes on the 26th day of February, 1901, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. He claims to have been married in 1891 to Ida H. Ewers, and that such marriage was by authority of a Cherokee marriage license. It appears that Ida H. Ewers is identified on the authenticated tribal roll of 1880. It appears that the applicant left his said wife in 1892, after living with her for about thirteen or fourteen months, and that he has been separated from her since that time, and is contributing nothing to her support. The Cherokee law on this subject is found in section 667, article 16, "Laws of the Cherokee Nation," 1892), and is as follows:

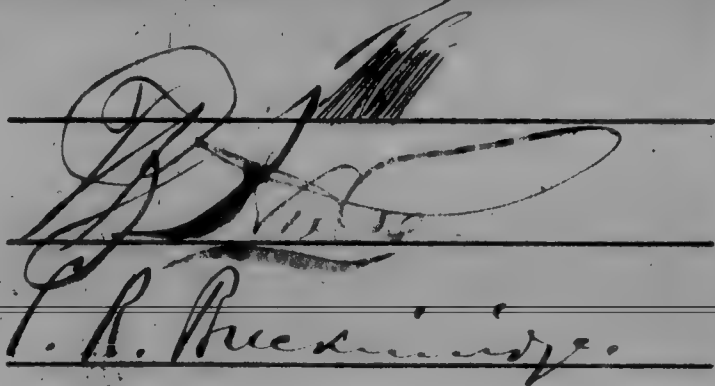
"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

In making rolls of citizenship of the Cherokee Nation this Commission is directed in paragraph 1, Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enroll:
" - - such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts in this case it is considered that under the Cherokee law herein quoted, by the desertion of his wife Ida H. Morse, the applicant thereby forfeited his rights and privileges of citizenship of the Cherokee Nation, and is not en-

braced in that class of citizens described in the Act of Congress as "intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case, it is the opinion of this Commission that the application of John M. Morse for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

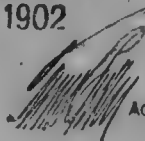


C. R. Bucknidge.

Dated at Muskogee, Indian Territory,
this the 20 day of April, 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 23 1902



ACTING CHAIRMAN.

COPY.

Cherokee R-546.

Muskogee, Indian Territory, April 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of John M. Morse as a citizen of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application of the said John M. Morse for enrollment as a citizen of the Cherokee Nation.

Very respectfully,

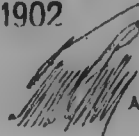
T. B. Needles.
(SIGNED). Commissioner in Charge.

1 Encl. No. R-546.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 26 1902



ACTING CHAIRMAN.

Cherokee R-546

COPY.

Muskogee, Indian Territory, April 26, 1902.

Mr. John M. Morse,

Okmulgee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the Commission's decision rendered April 26, 1902, in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

A copy of the record of the proceedings had in the matter of your application is herewith enclosed. You are also informed that the Commission has on this day forwarded a copy of its decision to the Secretary of the Interior, with a copy of the proceedings, for his consideration and final decision.

The Secretary's final action will be duly communicated to you when the same is made known to this Commission.

Very respectfully,

(SIGNED): *I. B. Needles*
Commissioner in Charge.

Encl. B-27.
Register.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Cherokee B-546

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

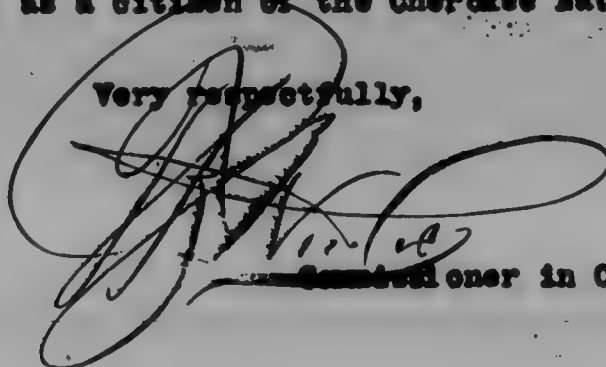
Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith find copy of Commission's decision of date April 26, 1902, in the matter of the application of John Morse for the enrollment of himself as a citizen of the Cherokee Nation.

Very respectfully,



Commissioner in Charge.

Encl. B-2.

(Copy)

Refer in reply to
the following:

Land.
25,920-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report, dated April 26, 1902, from T. D. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the application of John M. Morse for enrollment as a citizen by intermarriage of the Cherokee Nation.

The applicant claims to have been married in 1891 to Ida H. Ewers, a citizen of the Cherokee Nation, under and in accordance with the laws of the Cherokee Nation.

The record in the case shows that the name of Ida H. Ewers appears on the tribal roll of 1880.

It also appears from the record in this case that the applicant left his wife during the year 1892 and has not since their separation contributed to her support.

The applicant testifies that he did not abandon his wife, but that they "agreed to disagree".

Section 667 of the Cherokee Laws -- 1892 edition -- declares that:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandons his wife shall thereby forfeit every right and privilege of citizenship of this nation".

April 26, 1902, the commission found that the applicant was not entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The office believes from the testimony that the applicant within the meaning of the section of the Cherokee Laws above quoted abandoned his wife, and therefore respectfully recommends the approval of the commission's decision.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(G.A.W.)

P.

D. C. 8973-1902.

L.R.S.

31350

F.

DEPARTMENT OF THE INTERIOR.

Washington, May 26, 1902.

I.T.D.2996-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department is in receipt of the record in the case of John M. Morse whose application for enrollment as a citizen of the Cherokee Nation by intermarriage (R 546) was rejected by the Commission April 26, 1902, on the ground that the applicant had abandoned his wife, and therefore, under section 667 of the laws of the Cherokee Nation, he had forfeited his privileges of citizenship in said nation.

In his letter of transmittal of May 8, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

The Department affirms your decision. Copy of the Acting Commissioner's letter is enclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

EMD

1 inclosure.

Cherokee R-546.

COPY.

Muskogee, Indian Territory, July 8, 1902.

John M. Morse,
Okmulgee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,

(SIGNED).

Commissioner in Charge.

Register.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-546.

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of John M. Morse for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Very respectfully,


~~Commissioner in Charge.~~

Allison L. Aylesworth

Cherokee R-546

Tahlequah, Indian Territory, October 21, 1903.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskegee, Indian Territory.

Gentlemen:

As requested in the Commission's letter of October 15, there is enclosed you herewith the original jacket and record in the matter of the application of John M. Morse for enrollment as a citizen of the Cherokee Nation, Cherokee R-546, together with a copy of the card in this case. The original card is retained in this office.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

Enc. M-66

Department of the Interior.

Commission to the Five Civil Tribes.

MUSKOGEE, INDIAN TERR.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



RECEIVED
JAN 10 1881
MUSKOGEE, INDIAN TERR.

John W. Walker
Commissioner

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

*Penalty for private use, \$300.



88
—
81

50

W. H. H. H.

J. C.

Cher R 547

Cher R 547

11-VEAN

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

FILED

MAR 1 1901

ACTING CHIEF

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 27th 1901.

In the matter of the application of Maggie O. Beck for the enrollment of herself and child as Cherokee citizens; she being sworn before Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Maggie O. Beck.
Q How old are you? A. 23.
Q What is your post office address? A. Gurtie, I. T.
Q What district do you live in? A. I have been living in the Choctaw Nation.
Q Is Gurtie in the Choctaw Nation? A. Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A. I never have been enrolled—am only an adopted citizen—my husband is a Cherokee.
Q Is your husband living? A. No sir he got killed this month.
Q What was his name? Don P. Beck.
Q How old was he? A. 23.
Q When were you married to him? A. 15th of October 1896.
Q Have you a certificate of marriage? A. Yes sir.
Q Have you any children? A. Yes sir.

The applicant presents a certificate of marriage certifying that one Maggie Tramble was married to one Don Beck on the 15th day of October 1896. Said marriage was performed in the Cherokee Nation.

- Q What is the name of this child? A. Klion L.
Q How old is he? A. Three years old.
Q Have you any proof as to the birth of this child? A. Yes sir.
Q Did you live with Mr. Beck from the time that you married him until his death? A. No sir, we were separated part of the time, lived with him until in May 1897.
Q You are a white woman? A. Yes sir.
Q You say you lived with him until May 1897? A. Yes sir.
Q This child was born while you were living with him as his wife? A. Yes sir.
Q Where is this child now? A. In the Choctaw Nation with my mother.
Q He is alive now is he? A. Yes sir.
Q Where was the child born? A. In the Choctaw Nation.
Q Where did you live after you was married? A. In the Cherokee Nation until I went to the Choctaw Nation.
Q And the child was born after you had left him? A. Yes sir.
Q You had no divorce from him had you? A. No sir.

Upon an examination of the 1880 authenticated roll of the Cherokee Nation, page 225, #267 there is found the name of Don Pedro Beck in Delaware district.

Upon an examination of the 1896 census roll of the Cherokee Nation, page 439, #268 there is found the name of Don Pedro Beck in Delaware district. On page 566, #59 there is found the name of Maggie Beck in Delaware district.

By Com'r Needles,—

The name of Maggie O. Beck is found on the census roll of 1896; she presents satisfactory proof of marriage to one Don P. Beck a Cherokee citizen by blood, said marriage having been solemnized on the 15th of October 1896 and they lived together until they separated in the month of May 1897. As a result of said marriage there is one child, Klion L. Beck, three years of age, whose name does not appear on the census roll of 1896, having been born since same was compiled, but she presents satisfactory proof of its birth. From

Maggie O. Beck 2.

the fact that the said Maggie O. Beck was married to late according to Cherokee law to claim citizenship by intermarriage, her application for her own enrollment will be rejected. Her child Klon L. Beck is duly identified as the child of Ben P. Beck, whose name is found and the authenticated roll of 1880 as well as the census roll of 1896 he now being deceased. Satisfactory proof being made as to residence said Klon L. Beck will be listed for enrollment as a Cherokee citizen by blood.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 28th of February 1901.

(Chas von Weise)

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 26 1901

FEB 26 1901

Date FEB 20 1901 1900.

FEB 26 1961

Sixty E.

Year Page No.

Mother's citizenship

Intermarried citizen 10

Married under what law Date of marriage.....

License _____ **Certificate** _____

23 Wife's name .. Maggie A Beck

District 10 Year 10 Page 5 No. 57

Citizen-by blood *ms* **Mother's citizenship** *ms*

Intermarried citizen Yes.

Married under what law..... Date of marriage.....

License Certificate

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. 1 Year 1900 Page 1 No. 1 Age 1

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. 1 Year Page No. Age

Dist. Year. Page No. Age.....

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dirt. Year..... Page..... No..... Age.....

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____
 Nov. 1 on 1896 race as Maggie Beck.

C R 5117

RECEIVED
JAN 21 1902



ACTING CHAIRMAN.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Maggie O. Beck, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and forty-seven, it is entitled Maggie O. Beck, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-547.

11-75
cc.

JAN 21 1972

ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, ~~January 28~~ 1902.

Maggie O. Beck,
Quertie, I. T.

Dear Madam:

On the 27th day of February, 1902,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself
as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that **you were**

married on the **15th** day of **October, 1896**, 190..., to one **Don P. Beck,**

...a citizen by blood of the Cherokee Nation, ~~and you are~~

~~that you are~~ that you are

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of, ...

yourself

...as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to **you** as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) **Tams Rixby,**
Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stat., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 682, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1905, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

CAV
D

273 inclosures.

12965.

R.

I. T. D. 887-1902.
D. C. 3471.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February, 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Maggie O. Beck, R. 547, for enrollment as a citizen of the Cherokee Nation by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith R. 333.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 547.

Muskogee, Indian Territory, March 14, 1902.

Maggie O. Beck,

Guertie, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

PJR

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLE.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-547.

ALLISON I. AYLESWORTH.
SECRETARY.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Maggie O. Beck, Cherokee No. R. 547, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

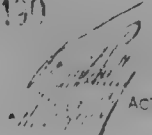
C. R. Breckinridge
Commissioner in Charge.

Cher R 548

Cher R 548

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 1 190


ACTING CHAIRMAN.

REJECTED AS TO APPLICANT.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 28th, 1901.

IN THE MATTER OF THE APPLICATION OF Martha Ann Padgett for the enrollment of herself and child as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name? A Padgett.
Q Well, have you got any other name? A Yes, sir.
Q What? A Martha Ann.
Q How old are you? A Thirty years old.
Q What is your Postoffice address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation?
A I am a married citizen.
Q By intermarriage? A Yes, sir.
Q Whom do you want to enroll? A One of my children.
Q Do you want to enroll yourself? A Yes, sir.
Q Your husband? A No, sir.
Q Is your husband living? A My last husband is; my first husband was a Cherokee.
Q What was your first husband's name? A Dan Gerty.
Q Is he living? A Yes, sir.
Q Have you any certificate of marriage? A Yes, sir.

Com'r. T. B. Needles: Applicant presents a certified copy of the marriage records of Canadian District, certifying that she was married to Daniel Gerty, a citizen of the Cherokee Nation, under the name of Martha Ann Barnett, on the 7th day of February, 1887.

- Q You say Daniel Gerty is living? A Yes, sir.
Q You and he separated? A Yes, sir.
Q Did you have a divorce? A yes, sir.
Q Is your present husband a white man? A yes, sir.
Q You don't apply for yourself, or do you?
A Well, if the --
Q How old is Daniel - what is the name of your child?
A Daniel Gerty.
Q How old is Daniel Gerty? A Thirteen years old.
Q Was Daniel Gerty his father? A Yes, sir.

Tribal Rolls of the Cherokee nation examined and the names of the applicant, her former husband and their child found thereon as follows:

1880 Authenticated Roll:

Page 19, #501, Daniel R. Gerty, Canadian District.

- Q What was your name four years ago; in 1896; had you been married to Padgett then? A No, sir.

1896 Census Roll:

Page 87, #99, Mattie Girty, Canadian District.

Page 26, #713, Daniel Girty, Canadian District.

- Q Your present husband is a white man, is he? A Yes, sir.
Q Is Daniel Girty living now? A Yes, sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Were you ever married before you married Girty? A No, sir.
Q This is your oldest child? A Yes, sir.
Q When was the exact date of it's birth? A '88, in February.
Q How long did you live with Daniel Girty as his wife? A I lived with him about a year.

Q Was this child born before your separation? A Yes, sir.

By Commissioner, T. B. Needles:

Q Daniel Girty was your first husband? A Yes, sir.

Com'r. T. B. Needles: The name of Martha Ann Padgett is found upon the census roll of 1896 as Mattie Girty, she having first married one, Daniel Girty, a Cherokee citizen: She avers that since her separation from him Daniel Girty she has married one Padgett, a white man; consequently, under the laws of the Cherokee Nation, she forfeits her rights as a citizen by intermarriage and her application for her own enrollment will be rejected. She avers that she has one child by her first husband, named Daniel Girty, whose name is found upon the census roll of 1896; consequently the said Daniel Girty, thirteen years of age, will be listed for enrollment as a Cherokee citizen by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of February, A. D., 1901.



COMMISSIONER.

1 253

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 1 1903


ACTING CHAIRMAN.

REJECTED AS TO APPLICANT.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 28th, 1901.

IN THE MATTER OF THE APPLICATION OF Martha Ann Padgett for the enrollment of herself and child as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name? A Padgett.
Q Well, have you got any other name? A Yes, sir.
Q What? A Martha Ann.
Q How old are you? A Thirty years old.
Q What is your Postoffice address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation?
A I am a married citizen.
Q By intermarriage? A Yes, sir.
Q Whom do you want to enroll? A One of my children.
Q Do you want to enroll yourself? A Yes, sir.
Q Your husband? A No, sir.
Q Is your husband living? A My last husband is; my first husband was a Cherokee.
Q What was your first husband's name? A Dan Gerty.
Q Is he living? A Yes, sir.
Q Have you any certificate of marriage? A Yes, sir.

Com'r. T. B. Needles: Applicant presents a certified copy of the marriage records of Canadian District, certifying that she was married to Daniel Gerty, a citizen of the Cherokee Nation, under the name of Martha Ann Barnett, on the 7th day of February, 1887.

- Q You say Daniel Gerty is living? A Yes, sir.
Q You and he separated? A Yes, sir.
Q Did you have a divorce? A Yes, sir.
Q Is your present husband a white man? A Yes, sir.
Q You don't apply for yourself, or do you?
A Well, if the --
Q How old is Daniel - what is the name of your child?
A Daniel Gerty.
Q How old is Daniel Gerty? A Thirteen years old.
Q Was Daniel Gerty his father? A Yes, sir.

Tribal Rolls of the Cherokee Nation examined and the names of the applicant, her former husband and their child found thereon as follows:

1880 Authenticated Roll:

Page 19, #601, Daniel R. Girty, Canadian District.

- Q What was your name four years ago; in 1896; had you been married to Padgett then? A No, sir.

1896 Census Roll:

Page 87, #99, Mattie Girty, Canadian District.

Page 26, #713, Daniel Girty, Canadian District.

- Q Your present husband is a white man, is he? A Yes, sir.
Q Is Daniel Girty living now? A Yes, sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Were you ever married before you married Girty? A No, sir.
Q This is your oldest child? A Yes, sir.
Q When was the exact date of it's birth? A '88, in February.
Q How long did you live with Daniel Girty as his wife? A I lived with him about a year.

Q Was this child born before your separation? A Yes, sir.

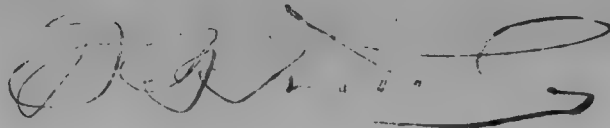
By Commissioner, T. B. Needles:

Q Daniel Girty was your first husband? A Yes, sir.

Com'r. T. B. Needles: The name of Martha Ann Padgett is found upon the census roll of 1896 as Mattie Girty, she having first married one, Daniel Girty, a Cherokee citizen. She avers that since her separation from him Daniel Girty she has married one Padgett, a white man; consequently, under the laws of the Cherokee Nation, she forfeits her rights as a citizen by intermarriage and her application for her own enrollment will be rejected. She avers that she has one child by her first husband, named Daniel Girty, whose name is found upon the census roll of 1896; consequently the said Daniel Girty, thirteen years of age, will be listed for enrollment as a Cherokee citizen by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th
day of February, A. D., 1901.



COMMISSIONER.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 28 1961

A. H. S. G. H. H.

18th day of February 1901.

Given under my hand and the seal of the Cherokee Nation this the
Nation, now filed in this Office and in my custody.

copy taken from the marriage record of Canadian District Cherokee
the Cherokee Nation do hereby certify that the foregoing is a true

I. B. W. Alperdy, Assistant Executive Secretary of
Executive Office Tahlequah Ind. Ter.

Canadian Dist. C.N.

John Smith, Clerk.

This February 17th 1887.

Barnett aged 18 years and citizen of the United States.

years and citizen of the Cherokee Nation and Miss Martha Ann

ed the rites of matrimony to ~~the~~ Daniel Girty aged 30

to certify that I have solemnized

Cherokee Nation, Canadian District.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 21 1901
FEB 21 1901

ACTING CHAIRMAN.

Cherokee Nation, Canadian District.

This is to certify that I have solemnized the rites of matrimony between and wife, Daniel Girty aged 20 years and citizen of the Cherokee Nation and Miss Martha Ann Barnett aged 18 years and citizen of the United States.
This February 7th 1887.

John Smith, Clerk,

Canadian Dist. C.N.

Executive Office Tahlequah Ind.Ter.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Canadian District Cherokee Nation, now filed in this Office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 18th day of February 1901.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mrs. Martha Ann Padgett, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

--eOo--

On the 28th day of February, 1901, Mrs. Martha Ann Padgett, appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that this applicant was married on the 7th day of February, 1887, to one Daniel Gerty, a citizen by blood of the Cherokee Nation; and that subsequent to her marriage the applicant lived with the aforesaid Daniel Gerty for a period of about one year, when she separated from him, and secured a divorce dissolving the aforesaid marriage.

It is further shown that, subsequent to the separation and divorce from the aforesaid Daniel Gerty, the applicant married one Padgett, a white man.

The applicant is identified on the Cherokee Census roll of 1896.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

*That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been

lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws."

From the testimony it appears that the rights of citizenship which the applicant acquired by her marriage to the aforesaid Daniel Gerty, were forfeited by her separation from him.

The Cherokee law applicable in this case is as follows:

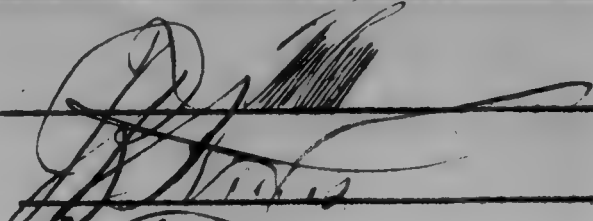
"Sec. 667: Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife shall thereby forfeit every right and privilege of citizenship of this Nation."

While it is true that the above provision of the law addresses itself to the husband, it is construed to also apply to the wife.

The following "Rules for Construing the Compiled Laws of the Cherokee Nation," Chapter XIV, Section 787, is as follows:

"Words in the masculine gender shall embrace a female, as well as a male, unless a contrary intention is manifest."

Following this construction, and applying it to Section 667, above quoted, it is the opinion of the Commission that the application for the enrollment of Martha Ann Padgett, as a citizen by intermarriage of the Cherokee Nation, should be denied; and it is so ordered.


C. R. Buckinridge
Commissioners.

Dated at Muskogee, Indian Territory.

this 26 day of April 1902.

COMMISSION TO THE UNITED STATES

FILED

A. 23 1902



ACTING CHAIRMAN

COPY.

Cherokee R-548

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Martha A. Padgett as a citizen of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application of the said Martha A. Padgett for enrollment as a citizen of the Cherokee Nation.

Very respectfully,

T. B. Needles.
(SIGNED): Commissioner in Charge.

1 Encl. No. R-548.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

A. 23 1902



ACTING CHAIRMAN

COPY.

Cherokee R-548

Muskegee, Indian Territory, April 26, 1902.

Mrs. Martha Ann Pagett,

Webbers Falls, Indian Territory,

Madam:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

I. B. Needles.

(SIGNED): Commissioner in Charge.

Encl. B-195.
Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-548

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Martha Ann Pagett for the enrollment of herself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Commissioner in Charge.

Encl. B-194.

(Copy)

Refer in reply to
the following:

Land.
25,902-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, May 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report, dated April 26, 1902, from T.D.Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the application of Martha Ann Padgett for the enrollment of herself and her minor son, Daniel Girty, as citizens of the Cherokee Nation.

The record in this case shows that in February 1887 Daniel Gerty or Girty, a citizen of the Cherokee Nation, was married to Martha Ann Barnett, a citizen of the United States, in accordance with the laws of the Cherokee Nation and that they were afterwards divorced.

The applicant after she and her husband were divorced married her present husband, a white man.

Section 667 of the Cherokee Laws -- 1892 edition -- declares:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandons his wife shall thereby forfeit every right and privilege of citizenship of this nation."

Section 788 of the Cherokee Laws -- 1892 edition -- is as follows:

"Words in the masculine gender shall embrace a female as well as a male unless a contrary intention is manifest".

The commission following this construction on April 26, 1902, found that Martha Ann Padgett was not entitled to enrollment as a citizen of the Cherokee Nation by intermarriage.

The office believes that the decision of the commission is correct and that it should be affirmed.

Very respectfully,

Your obedient servant,

A.C.Tonner,

Acting Commissioner.

(G.A.W.)

P.

D.C.8970-1902.

L.R.S.

31349

CMR

DEPARTMENT OF THE INTERIOR.

Washington, May 26, 1902.

I.T.D.2997-1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of the record and proceedings in the application for enrollment of Martha A. Padgett, as a citizen of the Cherokee Nation, which was refused by the Commission on April 26, 1902.

You found that the applicant was married on the 7th day of February, 1887, to one Daniel Gerty, a citizen by blood of the Cherokee Nation, with whom she lived for a period of about one year, when she separated from him and secured a divorce dissolving the aforesaid marriage and that after said separation and divorce the applicant married one Padgett, a white man. You also found that the applicant is identified on the Cherokee Census roll of 1896.

You held that the applicant had forfeited her rights of citizenship under the provisions of Section 667 of the Cherokee Laws - edition 1892, which reads:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandons his wife shall thereby forfeit every right and privilege of citizenship of this nation."

You held that this provision was applicable in this case under the rules for construing the laws of the Cherokee Nation, as laid down in section 787, which provides:

"Words in the masculine gender shall embrace a female, as well as a male, unless a contrary intention is manifest."

The Acting Commissioner of Indian Affairs forwarded said record on May 8, 1902, and recommends that your decision be affirmed.

The Department concurs in said recommendation and said decision is accordingly affirmed. A copy of the report of the Acting Commissioner is enclosed herewith.

Respectfully,

Thos Ryan,

Acting Secretary.

EMD

1 inclosure.

COPY.

Cherokee R-548.
Cherokee R-548.

Muskogee, Indian Territory, July 8, 1902.

Martha A. Padgett,

Webbers Falls, I. T.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Very respectfully,

(SIGNED).

Commissioner in Charge.
Chairman.

Register.

COMMISSIONERS,
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-548.


Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, I. T.

Sir:

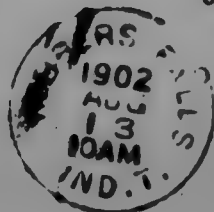
You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of Martha A. Padgett, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Very respectfully,



Commissioner in Charge.

32
31



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

88

Martha A. Padgett,

~~Webbers Falls~~

Return to Writer

Unclaimed
unknown to this Office

Return to Writer
unclaimed



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

718

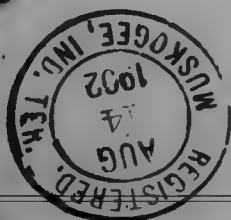
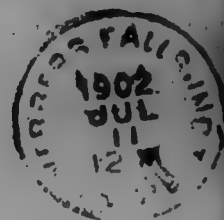
Martha Ann Padgett

~~Webbers Falls~~

~~Ind. Ter.~~

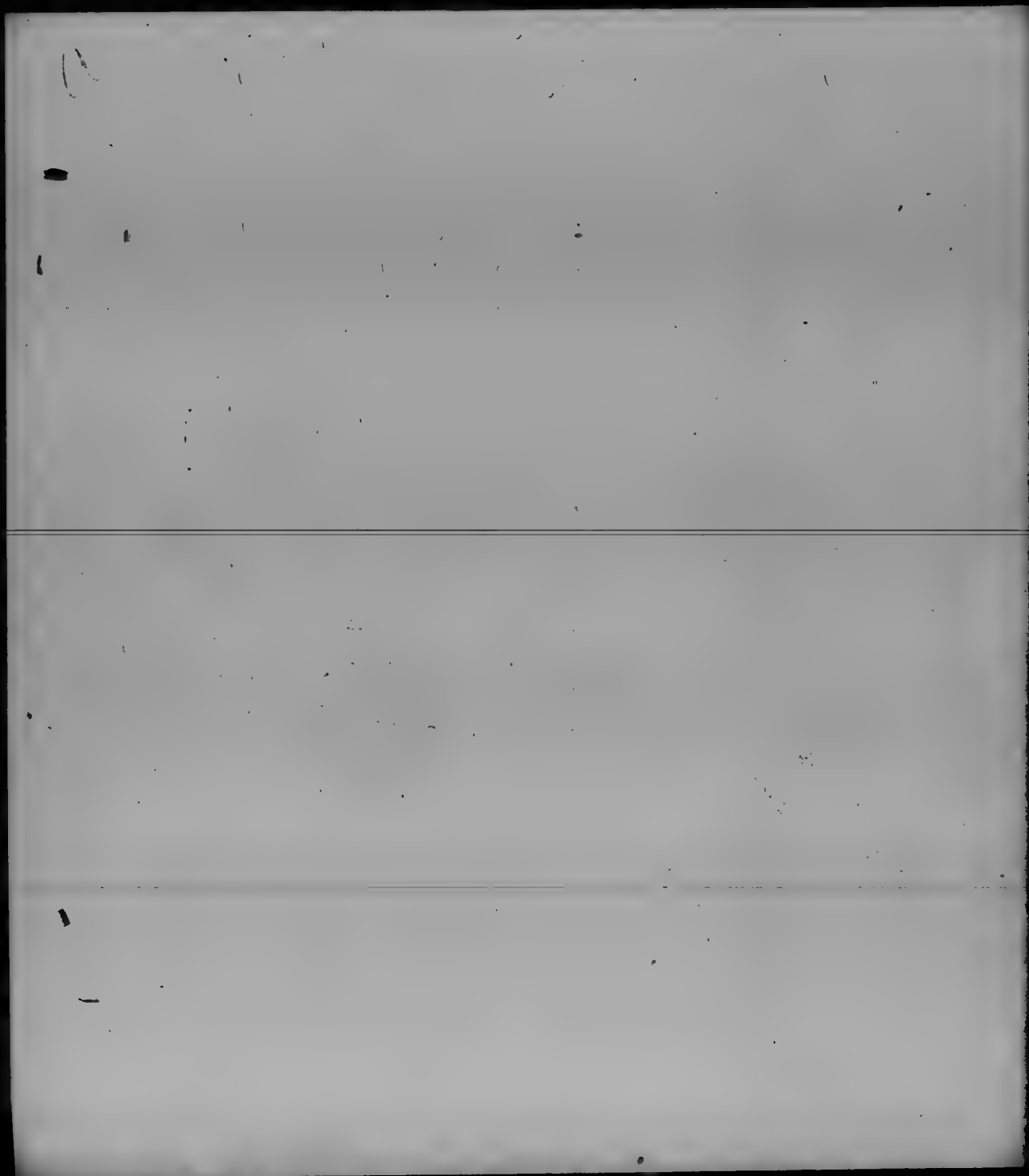
122
117





Cher. R 549

Cher R 549



REJECTED, as to Applicant's Husband, Louis W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 21st, 1901.

In the matter of the application of Janie Landrum for the enrollment of herself, children and husband as citizens of the Cherokee Nation; said Landrum being sworn and examined by Commissioner Brackinridge testified as follows:

- Q What is your name? A Janie Landrum.
Q How old are you? A 28.
Q What is your post office? A Atoka.
Q In what district do you live; in what Nation do you live?
A I live in the Choctaw Nation.
Q Do you apply for enrollment as a Cherokee? A Yes, sir. They would not accept me as a Choctaw and I want to enroll as a Cherokee.
Q You want to find out in which they will enroll you? A Yes, sir; I wanted to enroll in the Choctaw, I live there.
Q You prefer to be enrolled as a Choctaw? A Yes, sir.
Q Have you made application for enrollment as a Choctaw? A Yes, sir.
Q Where did you apply at Atoka? A I applied there three times.
Q At Atoka? A Yes, sir.
Q Didn't you apply here at Muskogee this morning for enrollment as a Choctaw? A Yes, sir.
Q And they refused to enroll you? A Yes, sir.
Q And made simply a memorandum of the case? A Yes, sir.
Q Very well, we will not go into your Choctaw but your Cherokee status? A Yes, sir.
Q Who is it you want to have enrolled besides yourself? A Children.
Q Have you a husband? A Yes, sir.
Q Do you want to apply for his enrollment also? A Yes, sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A Yes, sir.
Q Was your mother a Cherokee woman? A No, sir; my father.
Q Your father was a Cherokee? A Yes, sir.
Q And what was your mother? A Choctaw.
Q What is your husband? A He is a white man.
Q How long have you lived in the Choctaw Nation? A It will be four years the 28th of this month.
Q Where did you live before that? A I lived in Texas seven or eight months.
Q Where were you born? A In Sequoyah District, in the Cherokee Nation.
Q How long did you live in the Cherokee Nation? A I lived there until I was, I lived there about 22 years.
Q Did you live there until you were married? A Yes, sir.
Q How long have you been married? A Six years.
Q Did you live in the Cherokee Nation any time after you were married? A Yes, sir.
Q How long? A Lived a year.
Q And then where did you go? A I moved to Fort Smith, lived there about a year and from there to Texas.
Q And how long did you live in Texas? A About seven or eight months.
Q And then you came to the Choctaw Nation? A Yes, sir.
Q And have lived there ever since? A Yes, sir; Atoka.
Q Did you ever consider that you had given up your citizenship in the Cherokee Nation when you went to Fort Smith; did you go there to live permanently? A No, sir.

- Q When you went to Texas, did you go to make your home permanently?
Q No, sir; went there for my health.
Q How did you happen to go to Fort Smith? A We just went there; my husband went there for employment, we only lived seven miles from Fort Smith.
Q He was just looking for a job of work? A Yes, sir.
Q Give me the name of your father? A Jim.
Q Jim what? A Jim Lee.
Q Is he dead or alive? A Dead.
Q How long has he been dead? A I guess he has been dead about 25 years, or 23, I don't know exactly.
Q Give me the name of your mother? A Elizabeth I believe, they called her Lizzie.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A I guess it has been about 22 years.
Q Have you ever been married more than once? A No, sir.
Q Have you a certificate of your marriage? A I haven't with me.
Q How long have you been married? A Six years.
Q You were married in Sequoyah district, were you? A Yes, sir.
Q Who married you? A Byrd, Reverend Byrd, Louis Byrd.
Q You have a certificate at home of marriage, have you? A Yes, sir.
Q Did you draw Cherokee strip-money in 1894? A Yes, sir.
Q Did your husband get out a Cherokee license before he married you? A He got what they called "signers," but we failed to find the Clerk at the time and we were married by a preacher, the Clerk didn't marry us.
Q Did the Clerk issue a license? A No, sir, the Clerk didn't.
Q Then your husband didn't get out a Cherokee license? A No, sir.
Q And you only have a certificate from the preacher? A We have a United States License; we have the signers as they call them, but we didn't get the Clerk.
Q You got a petition which has to do with getting a Cherokee license but you did not get a Cherokee license? A No, sir.
Q But you did get a United States License? A Yes, sir.
Q Give me the name of your husband? A Louis.
Q Louis Landrum? A Yes, sir.
Q Has not he a "W" in his name? A Worthington is his name; he signs his name W. L.; Louis Worthington is his name.
Q You say you were never married except to this husband? A No, sir.
Q Was he ever married except to you? A No, sir.
Q Where is he now? A At home, at Atoka.
Q How old is he? A 25.
Q You and he lived together ever since you were married, have you?
A Yes, sir.
Q Give me the names of your children? A The oldest one is Lola May.
Q How old is that child? A Five years old.
Q And the next child? A Eleven months old.
Q What is its name? A Beula Addison.
Q How old is that child? A Eleven months old.
Q These are the two children here are they? A Yes, sir.

Tribal Rolls of citizens of the Cherokee Nation examined and applicant's and older child's names found thereon as follows:
1880 Authenticated Roll; page 707, #802, Jennie Lee, Sequoyah District.
1896 Census Roll; page 1081, #884, Jane Landram, Sequoyah District.
1896 Census Roll; page 1081, #885, Lola May Landram, Sequoyah District.

Q Why is it they did not enroll your husband in 1896? A He was not there at the time.

Q And they would not enroll him? A No, sir; they said he had to appear in person and he didn't go.

BY J. C. STARR, Cherokee Representative:

Q Did you take all of your property with you when you went to Fort Smith to live? A Yes, sir; we didn't have any property except household goods.

Q You didn't have any effects in the Cherokee Nation? A No, sir.

Q Did you husband vote in Fort Smith? A No, sir.

Q Ever vote in Texas? A No, sir.

Q Did you intend to return to ~~Ketch Ketch~~ the Cherokee Nation when you were living in Fort Smith? A Yes, sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself, her husband and two children: She is identified on the rolls of 1880 and 1896 as a native Cherokee, but she does not establish her change of name arising from marriage and as it appears on the roll of 1896, except by her own testimony and as indicated by the recurrence of her given name on the roll of 1896. She states that she can supply the Commission with her marriage certificate and a United States marriage license, and this she is desired to do, in order to complete her identification. It appears that she was born in the Cherokee Nation and lived there until some five or six years ago, when she married, and that for a short time after her marriage she lived at Fort Smith, Arkansas, and for some months in Texas, but it does not appear that either absence was of a permanent character, in fact or in purpose. After returning from her visit to Texas, where she had gone for her health, she took up her residence in the Choctaw Nation and she has lived there for the past four years. She has made application for enrollment as a Choctaw and is said to have been rejected and only a memorandum made of her case. She prefers that she and her family be enrolled as Choctaws, but if she cannot secure this enrollment she desires that they be enrolled as Cherokees. Awaiting the marriage license and certificate referred to and awaiting further consideration under the conditions stated, the applicant will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card.

Of her two children the older, Lola M., is identified with its mother on the roll of 1896. The child is present and will be listed for enrollment as a Cherokee by blood, on the doubtful card with its mother. When a certificate of the birth of the Younger child, Beula A., is supplied to the Commission, this child also will be listed for enrollment as a Cherokee by blood, on the doubtful card with its mother.

It ~~appears~~ does not appear that the husband of the applicant was married under a Cherokee license and he was not admitted to enrollment in 1896. The applicant states the refusal of the Cherokee authorities to enroll her her husband was due to his absence. It may well have been due to the fact that he was not married under a Cherokee license. It seems that neither the applicant nor her husband were ever previously married and they have lived together ever since their marriage. He is a white man and did not procure a Cherokee license. He is not considered entitled to enrollment at this time as a citizen; therefore the application for his enrollment is rejected.

Q. It is the desire ^{and} purpose of you and your family, as I understand it, to live permanently in the Choctaw Nation, if you can get your rights established? A Yes, sir.

Janie Landrum et al.--4.

Q But have you always determined that in case you could not get your rights as a Choctaw you would claim your rights as a Cherokee?

A Yes, sir.

Q And you have only to wait to see under which class the law would place you? A Yes, sir; and if they don't accept me in the Choctaw, I will go to the Cherokee.

---ooo00ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of March, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 27 1901

[Handwritten signature]

Statement of Applicant Taken Under Oath.

Cherokee
CHEROKEES BY BLOOD AND ADOPTION.

Date

March 21 1900.

83.
Name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

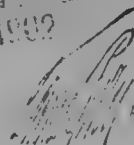
Page

No.

Age

18009
DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 24 1902



ACTING CHAIRMAN.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Louis W. Landrum, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 549, it is entitled Louis W. Landrum, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED).

T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.549.

(COPY)

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH.
SECRETARY

R 549

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mr. Louis Worthington Landrum,
Atoka, Indian Territory.

Dear Sir:

On the 21st day of March, 1901, your wife, Janie Landrum, appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1896 to your said wife, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats. 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal

authorities, and who were minors when their parents were so admitted; and they shall investigate the rights of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

It further appears from the testimony that your aforesaid marriage was not in accordance with the law of the Cherokee Nation, which is as follows:

"Section 659:every white man or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk that he has not a surviving wife from whom he has not been lawfully divorced."

"Sec. 660: Every white man or person applying for license as provided in the preceding section of this act, shall, before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation, who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter".

"Sec. 663: No marriage between a citizen of the United States, or of any foreign nation, and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal;..."

In view of the law and testimony in this case your application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

I. B. Needles.

By (Signed) _____

Enclosure.

Register.

Commissioner in Charge.

Muskogee, Indian Territory.

FEB 1 1960

FFD

for enrollment as a citizen of the

Cherokee. Vol.

R. 549.

Wm. A. Strong
Attorney for the

Attorney for Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION FOR THE ADVANCEMENT OF THE INDIAN

FILED

APR 16 1902



ACTING CHAIRMAN

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 2, 1902.

I. T. D. 1916-1902.
D. C. 5784-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Louis W. Landrum, R 549, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

1. The purpose of

Not a statement

ACTING CHAIRMAN

to enroll the abolitionist and anti-slavery

as members for the purpose of

the purpose of the abolitionist and anti-slavery

abolitionist and anti-slavery

abolitionist and anti-slavery

L. R. S.

T.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.

April 2, 1902.

1828-1902.

D. C. 5760-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.

* * * "

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokee, Delaware or Shawnee by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Cherokee R-549.

Muskogee, Indian Territory, April 15, 1902.

Mr. Louis W. Landrum,

Atoka, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY
THOMAS B. NEEDLE
C. R. BRECKINRIDGE

ALLISON L. AWLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-549.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for the Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Louis W. Landrum, Cherokee No. B-549, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Muskogee, Indian Territory, June 30, 1902.

Louis W. Landrum,

Viretown, Indian Territory,

Dear Sir:

As requested in your letter of June 18, there is enclosed
you herewith registered letter mailed you some time since to Atoka,
Indian Territory, and returned from that postoffice unclaimed.

Cher R. 550

Cher R 550

a

8550

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 23 1901


ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, T. T., March 23, 1901.

In the matter of the application of Ellis C. Harlin for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A Ellis C. Harlin.
Q How old are you? A 27.
Q What is your postoffice? A Welch.
Q In what district do you live? A Cooweescoowee..
Q Do you want to apply for the enrollment of anybody else besides yourself? A Two children.
Q You haven't a wife? A Yes sir, we married since '95.
Q You can apply for her if you want to and put her in the record?
A Yes.
Q You apply for yourself, wife and two children? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Your wife is a white woman, is she? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father. A James E.
Q Is he dead? A Living.
Q Give me the name of your mother. A Nannie.
Q Is she dead? A Living.
Q Give me the name of your wife? A Minnie B.
Q How old is she? A 23.
Q What was her name when you married her? A Ballard.
Q When were you married to her? A Married in '97.
Q Have you a certificate of your marriage? A Yes sir, not with me.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Where were you married? A Grove, I. T.
Q Give me the names of your children. A The oldest, John R. Harlin.
Q How old is that child? A Two years old.
Q Next child? A Nannie C. Harlin.
Q How old is that child? A Four months.
Q These children are both living now, are they? A Yes sir.

The Cherokee authenticated roll of 1880 examined and the name of the applicant is found on page 265, No. 1195, as George Ellis Harlin, in Delaware District.

The Cherokee census roll of 1896 examined and the name of the applicant is found on page 481, No. 1462, as Ellis Harlin, in Delaware District.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself, his wife, and two children. He is identified on the rolls of 1880 and 1896 as a native Cherokee: He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood. He states that his wife was married to him in 1897, but is unable to produce a certificate of marriage at this time. In any event, the marriage is too late to entitle her to enrollment under Cherokee law, and the application for her enrollment is rejected. He states that neither he nor his wife were previously married. The two children, for whom application is made, are too young to be upon any roll. Their names will now be placed upon a doubtful card to await proper certificates of their births and proof of marriage between the applicant and their mother.

2- H. O. H.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 22nd day of March, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 22 1901

[Signature]
ACTING CHAIRMAN

Del.
CHEROKEES BY BLOOD AND ADOPTION

Date

March 22 1900!
Wichita, Kan.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

23 / Wife's name *Minnie B. Harlin*

District Year Page No.

Citizen by blood *no* Mother's citizenship

Intermarried citizen *yes*

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

No. 1. Proof of marriage to be supplied

Q

R550

COMMUNICATIONS SECTION
FILED
MAR 4 1902

[Handwritten signature]

RECEIVED

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Minnie B. Harlin, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and fifty, it is entitled Minnie B. Harlin, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE NO. R. 550

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Minnie B. Harlin,
Welch, Indian Territory.

Dear Madam:

On the 22d, day of March, 1901,

your husband, Ellis C. Harlin,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of
yourself,

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that **you were**

married ~~on the~~ in the ~~year~~ year 1897 ~~you~~, to one **Ellis C. Harlin,**

your said husband, a citizen by blood of the Cherokee Nation, ~~that you and~~

~~have lived together continuously since your marriage,~~ that you are **not** identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * * *"

In view of the law and testimony in this case the application for the enrollment of **yourself** as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to **you** as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~_____~~ **T. B. Needles.**

~~_____~~

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902 in the matter of the application
of *Minnie D. Harline* for enrollment as citizen of the
Cherokee Nation.

Cherokee No. *R550*

Attorney for Cherokee Nation.

L. R. S.

J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I, T. D. 3152-1902.
D. C. 6000-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Minnie B. Harlin, R 550, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al., was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

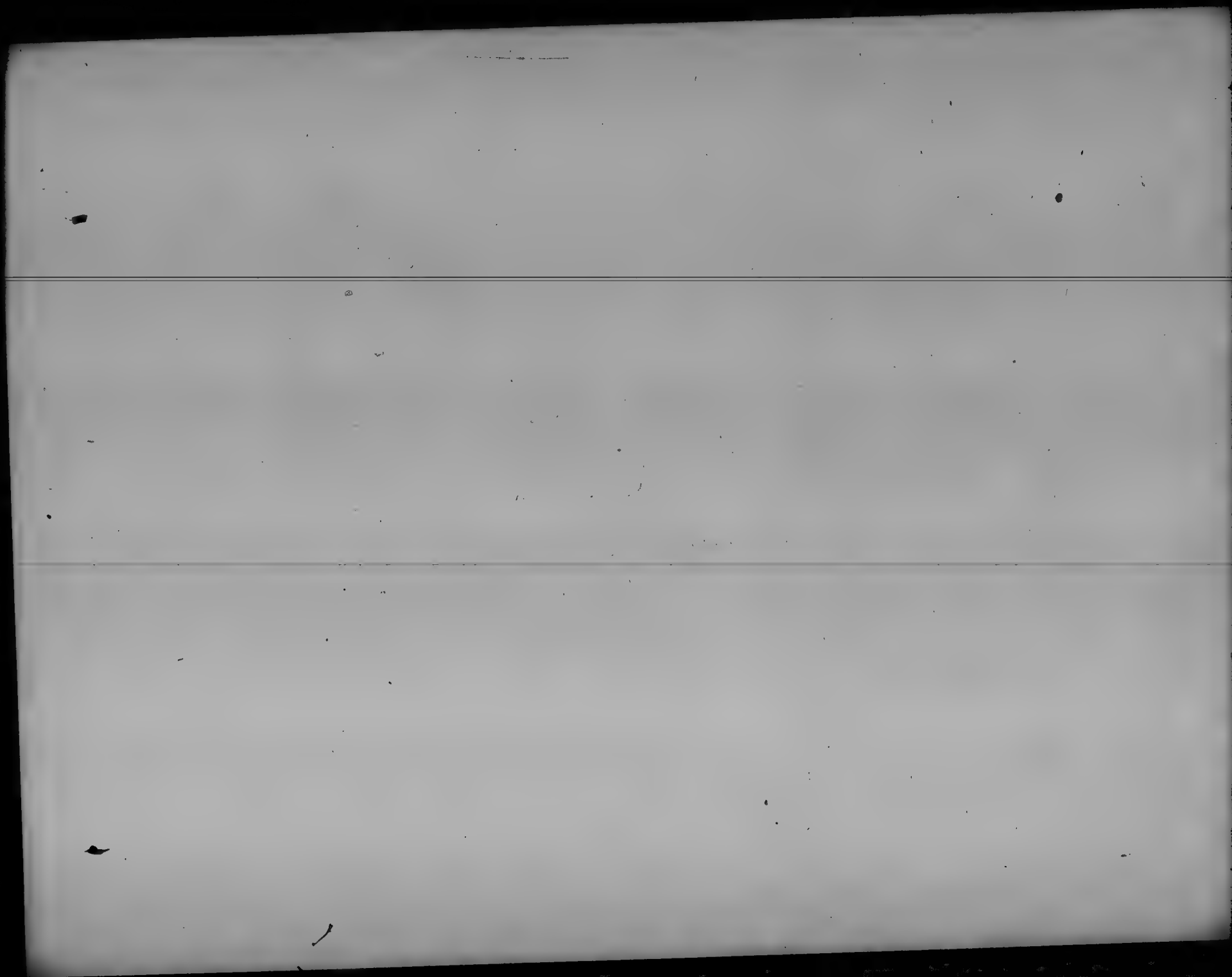
Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.



Cherokee P-550

Muskogee, Indian Territory, April 17, 1902.

Minnie B. Harlin,

Welch, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH.
SECRETARY

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-550.

RELATES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation.

Muskogee, Indian Territory.

Sir:-

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Minnie B. Harlan, Cherokee No. R 550, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

ROBERT H. HARRIS.

Acting Chairman.

Cher R 551

Cher R 551

6

12-1

12-1

12-1

12-1

REJECTED as to wife, Medie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 25th, 1901.

In the matter of the application of Jack Quinton for the enrollment of himself and two children as Cherokee citizens by blood, and for the enrollment of his wife as a Cherokee citizen by intermarriage; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Jack Quinton.
Q No middle name? A No sir.
Q Not Jackson? A No sir.
Q How old are you? A Thirty-nine.
Q What is your post-office address? A Wildcat.
Q What district do you live in? A I don't know what district that is Wildcat out in the Creek Nation.
Q You want to enroll as a Creek or Cherokee? A I want to enroll as a Creek if I can get my transfer.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q And a citizen of the Creek Nation too? A No sir.
Q Do you want to have Cherokee citizenship or Creek citizenship? A I want to take my land in the Creek Nation.
Q What right have you to get enrolled in the Creek Nation? A I heard they were getting transfers.
Q We have no right to transfer you unless you are a citizen of both nations, and then you could elect. We can enroll you as a Cherokee?
A All right.
Q You live in the Creek Nation? A Yes sir.
Q You are a recognized citizen of the Cherokee Nation are you? A Yes sir.
Q Who do you want to enroll? A I want to enroll myself and my wife I forgot my certificate though.
Q Yourself, wife and how many children? A Two.
Q What is the name of your wife? A Medie.
Q Is she a Cherokee by blood? A No sir, she is a white woman.
Q What was her name before you married her? A She was a widow when I married her; her name was Young.
Q What is her age? A 24.
Q Have you any certificate of marriage? A Yes, sir, but I didn't bring it; we were married here at the court house.
Q When were you married? A We were married last summer.
Q In the year 1900? A Yes-sir.
Q According to the laws of the United States? A Yes sir.
Q What are the names of your children? A She has got one child, could I enroll it, it is by her other man, he was a white man.
Com'r: Oh, no, she is a white woman and it is a child by a white man, and you couldn't enroll that.
A Well, Neal Quinton.
Q How old is he? A Seventeen.
Q That all the name he has got? A Yes sir. Jesse Quinton.
Q How old is Jesse? A Nine years old.
Q Next child? A That's all.
Q Who was the mother of Neal Quinton? A She was Josh Sanders daughter.
Q She a Cherokee by blood? A Yes sir.
Q You were married to her? A I was married to her by the Cherokee law.
Q What was her father's name? A Josh Sanders.
Q Is he living? A No sir, he is dead.
Q What is her mother's name? A Mary Quinton.
Q She living? A No sir, she was dead when I married her.
Q What was your first wife's name? A Mary, same as her mother's.
Q About how old was she? A She was 18 when we were married.
Q When did she die? A She died in 1885 I think it was, - no, it was later than that.

Q About how old was she when she died? A She must have been about 22, best I remember.

Q She was your first wife? A Yes sir.

Q Was she alive when you married your second wife, or was she dead? A No sir, she was dead.

Q Have you any children by your second wife? A One.

Q What is its name? A This is my third wife.

Q Have you got any children besides these? A Jesse there, his mother was named Lou Patton.

Q Was she a citizen by blood? A No sir, she was a white woman.

Q You were married to her? A Yes sir.

Q Any certificate of marriage to her? A ~~Yes sir~~. No sir, we were married by the Cherokee laws.

Q Were you born in the Cherokee Nation? A Yes sir, raised up in the Cherokee Nation.

Q How long have you been living in the Creek Nation? A Little over a year last January.

Q Do you own any property in the Cherokee Nation? A No sir.

Q Own property in the Creek Nation? A None to amount to anything; I just worked over there last year.

Q Have you ever voted in the Creek Nation? A No sir.

Q Just been living in the Creek Nation about a year? A Yes sir, been working there about a year.

Q What district would your wife be in 1880? A Canadian District, her mother wasn't living at that time, in 1880; her father was living.

1880 authenticated Cherokee roll examined for applicant's wife, Mary Sanders, page 49 #1360 M.J. Sanders, Canadian District.

Q How old would Mary J. be if she were alive now do you suppose? A She would be somewhere in thirty.

Q Do you know Lillie Sanders? A Yes sir, she was Johnnie Sanders girl.

Q Was she named Mary Jane? A Yes sir, Mary J.

Q Was your wife? A Yes sir.

Q Lillie Sanders was a good deal younger than her wasn't she? A Yes sir, she was real small when my wife was grown.

1880 Cherokee authenticated roll examined for Jack Quinton, page 570 #1459a Jack Quinton Illinois District;

1896 Cherokee census roll examined for Jack Quinton and name not found thereon.

Q Was you enrolled in 1896? A I think not; I was ~~kn~~ out west at that time and didn't come; herding cattle.

Q Your wife Mary, was she alive then? A No sir.

Q Was your wife Lou alive in 1896? A No sir, she was dead.

Q Are Neal and Jesse living at this time? A Yes sir.

Q Have you got anybody you can prove your marriage to Lou Patton? A I haven't but not here.

Q You were married before 1880 to Mary, - over twenty years ago? A No sir, I was 21 when I married Mary, just 21 years old when I married Mary.

Q Who is Mary Quinton on the roll of 1890 here with you? A That must be her.

Q Is she living now or dead? A Mary Quinton? she is dead. I have got a sister named Mary.

Q Is she living? A No sir, she is dead.

Q You have always lived in the Cherokee Nation then until about a year ago? A Yes sir.

Q Com'r: We couldn't enroll your present wife, because she is a white woman, and you married after 1895, that cuts her out; you see under the law of the Cherokee Nation all white persons married after 1895 don't have any rights.

A All right.

Q Did you ever draw Strip money for Neal and Jesse? A Yes sir, I

didn't draw for Neal myself at ~~the~~ Strip payment; I drew for Jess.

1894 Strip Payment Charles rolle examined for Neal and Jesse Quinton, page 277 #3449 Jess Quinton Cooweescoowee District.

A Josh Sanders dr wed for Neal, his grandfather.

Q This boy's name Neal or Cornelius? A I always called him Neal.

Q Does he sign his name Cornelius or Neal? A I always signed it Neal, if he has got it on the roll there Cornelius I guess that's the name

1894 Cherokee Strip payment roll examined for ~~Neel~~, page 828 #1742
Cornelius Quinton, Illinois District.

Com'r Needles: The applicant applies for the enrollment of himself, his wife and two children; his name is found upon the authenticated roll of 1880 but is not found upon the census roll of 1896, he giving satisfactory reason therefor in the testimony; he avers that he was married to Nedie Young a white woman in the year 1900; he avers that he has been married three times; that his first wife was ~~Robert Sanders~~ ~~Robert Sanders~~ named Mary J. Sanders, and was a Cherokee by blood, now deceased, and the name of Mary J. Sanders is found upon the authenticated roll of 1880; he avers that by his marriage with said Mary J. Sanders he had one son, Cornelius, seventeen years of age, whose name is found upon the payment roll of 1894, but not on the census roll of 1896; he avers that after the death of Mary J. Sanders he married Lou Patton, a white woman, by whom he has one child, named Jesse, whose name appears upon the payment roll of 1894, but not upon the census roll of 1896; he presents no proof of his marriage to said Lou Patton, a white woman; they are all duly identified according to page and number of the rolls as indicated, and make satisfactory proof of residence, consequently, Jack Quinton and his sons Cornelius and Jesse will be duly listed for enrollment as Cherokee citizens by blood. In order to complete the enrollment of his son Jesse, it will be necessary to file with this Commission satisfactory proof of his marriage to Lou Patton, his second wife; the fact that he was married to his present wife in the year 1900, too late under the laws of the Cherokee Nation for intermarried whites to receive any benefit of citizenship; his application for the enrollment of his wife will be rejected.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

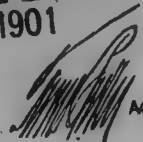
Sam Cree

Subscribed and sworn to before me this ~~March~~ March 25th, 1901.

Commissaire.

R. R. 33

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 25 1901


ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

Cherokee
CHEROKEES BY BLOOD AND ADOPTION.

Date

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Year

Page

No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

P

R. 551

RECEIVED
FILED
MAR 4 1902

[Signature]
CHIEF CLERK

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Medie Quinton, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and fifty-one, it is entitled Medie Quinton, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *I. B. Needles.*

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

COMMISSIONERS
HENRY L. DAVES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R 551.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Modie Quinton,

Wildcat, Indian Territory.

Madam:

On the 25th day of March, 1901, your husband, Jack Quinton, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as an inter-married citizen of the Cherokee Nation.

It appears from the testimony in this case that you were married to your said husband, who was a citizen by blood of the Cherokee Nation, in 1900, in accordance with the laws of the United States.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1893, (30 Stats. 493):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and

omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895.

It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not

of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case your application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.

Assistant Commissioner.

Enclosure.

Register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee Indian Territory.

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application*

of *Medie A. McIntire*

for enrollment as citizen of the

Cherokee Nation.

Attorney for Cherokee Nation.

Cherokee No.

R551

1. THE CHAIRMAN
COMM. ON THE BUDGET

SEP 11 1972

ACTING CHAIRMAN

L. R. S.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1917-1902.
D. C. 6006-1902.

April 3, 1902.

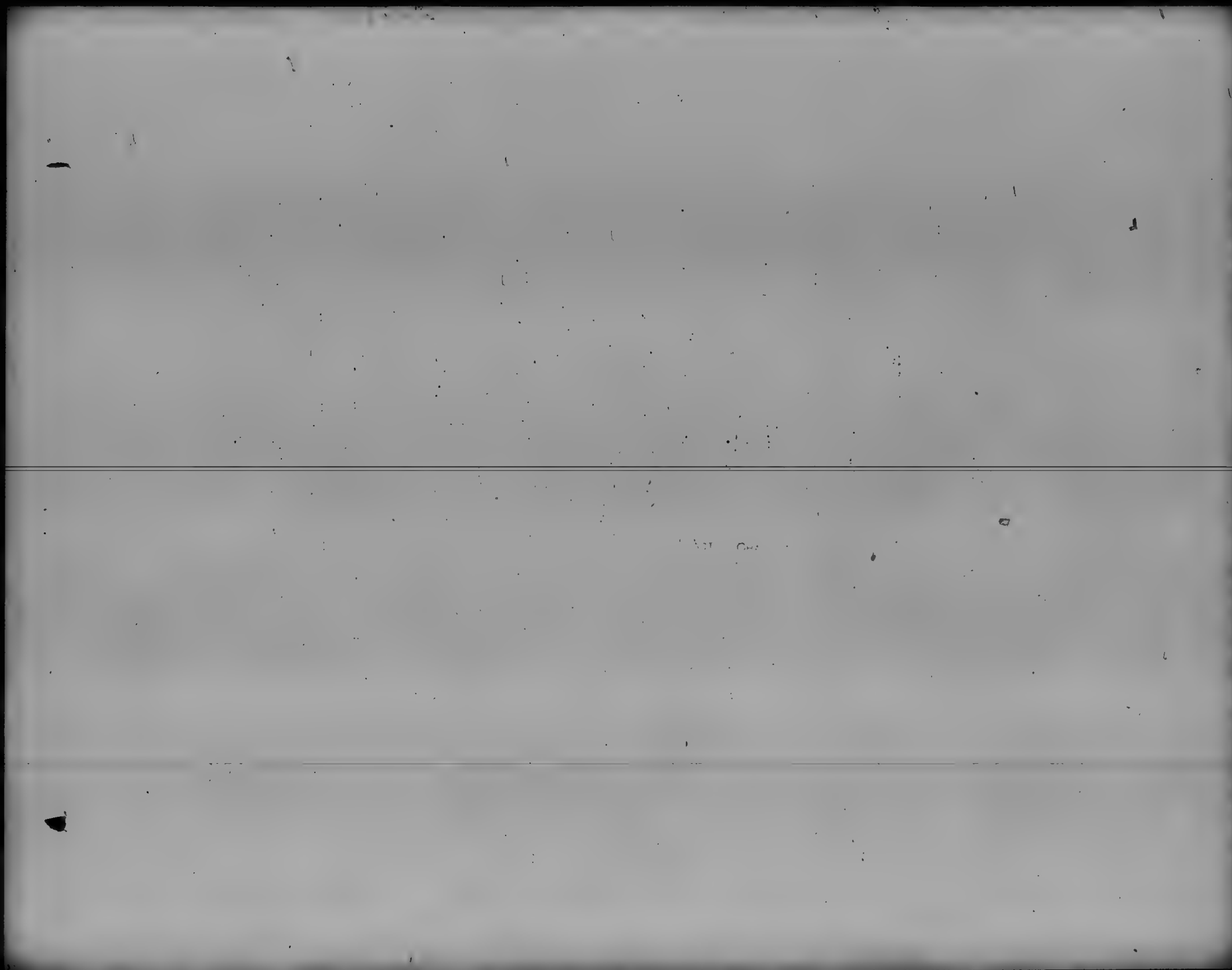
Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Medie Quinton, R 551, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.



L. R. S.

F.

J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

1922

1922

ACTING CHAIRMAN

Cherokee R-151

Muskogee, Indian Territory, April, 17, 1902.

Medie Quinton,

Wild Cat, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee- R-551

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Medie Quinton, Cherokee No. R 551, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

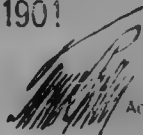
Cher R 552

Cher R 552

Q No 2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 29 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 25th, 1901.

In the matter of the application of Sibud Tally for the enrollment of ~~himself~~ his wife, Jane, and his child, James W. Tally, as citizens of the Cherokee Nation; said Tally being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Sibud Tally.
Q How old are you? A 29 now.
Q What is your post office address? A Fort Gibson.
Q What district do you live in? A Illinois.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who do you desire to have enrolled now? A My wife and that child.
Q What is the name of your wife? A Janie, she was a Rennels.
Q Is she a white person? A Yes, sir.

COM'R NEEDLES:--Applicant presents a marriage license and certificate certifying that he was married on the 24th day of December, 1900, to one Miss Jane Rennels, a non-citizen.

- Q What is the name of your child? A James W. Tally.
Q When was James W. Tally born? A 13th day of November, 1900? A Yes, sir.
Q That was before you were married? A Yes, sir.
Q Is the child living now? A Yes, sir.
Q You are a Cherokee citizen by blood, are you? A Yes, sir.
Q Have you been enrolled by this Commission? A Yes, sir.

Com'r Needles:--Applicant applies for the enrollment of his wife, Jane and his child, James W. Tally. He presents a certificate of marriage certifying that he was married on the 24th day of December, 1900, which is too late under the laws of the Cherokee Nation for intermarried citizens to acquire rights of citizenship, consequently the application for the enrollment of his wife, Jane will be rejected.

He also applies for the enrollment of his child, James W. Tally. He avers that said child was born and makes satisfactory proof of the same, on the 13th day of November, 1900. It appears to have been before his marriage to his wife. Because of this fact, final judgment as to the enrollment of the said child, James W. Tally, will be suspended and its name will be placed upon a doubtful card.

---000000000---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

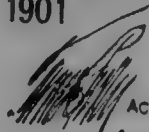
Subscribed and sworn to before me this 26th day of March, 1900.

J. O. Reason
Notary Public
Commissioner.

R 5 2 2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 25 1901



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date

Mich 23, 1906

H. Gibson, Jr.

Name

Year

Page

No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Jane Kelly

Year

Page

No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children :

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

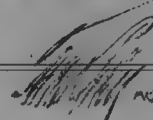
Age

①

R/552

RECEIVED TO THE EXECUTIVE

FILED
MAR 4 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Jane Talley, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 552, it is entitled Jane Talley, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 552.

(COPY)

(41)

CHEROKEE CASE NO. R. 888

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. February 14, 1902.

Jane Talley,

Wt. Gibson, I. T.

Dear Madam:

On the 25th day of March, 1902,

your husband, Sibud Talley,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that ~~you were~~

married on the ~~24th~~ day of ~~December~~, 1900, to one ~~Eliud Talley,~~

~~your husband,~~ a citizen by blood of the Cherokee Nation, ~~the person~~

~~that you are~~ not

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of

~~yourself~~ as an intermarried citizen of the Cherokee Nation has

this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to ~~you~~ as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~James Fisher~~ *I. B. Needles.*

~~Acting Chairman.~~

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES;

Muskogee, Indian Territory.

Oct. 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered
of Jane Talley
Cherokee Nation.*

*in the matter of the application
for enrollment as citizen of the*

Attorney for Cherokee Nation.

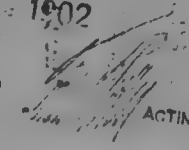
Cherokee No.

R552

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

FILED

SEP 2 1902



ACTING CHAIRMAN

L. R. S.

R.

J.P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I. T. D. 1918-1902.
D. C. 6013-1902.

April 3, 1902.

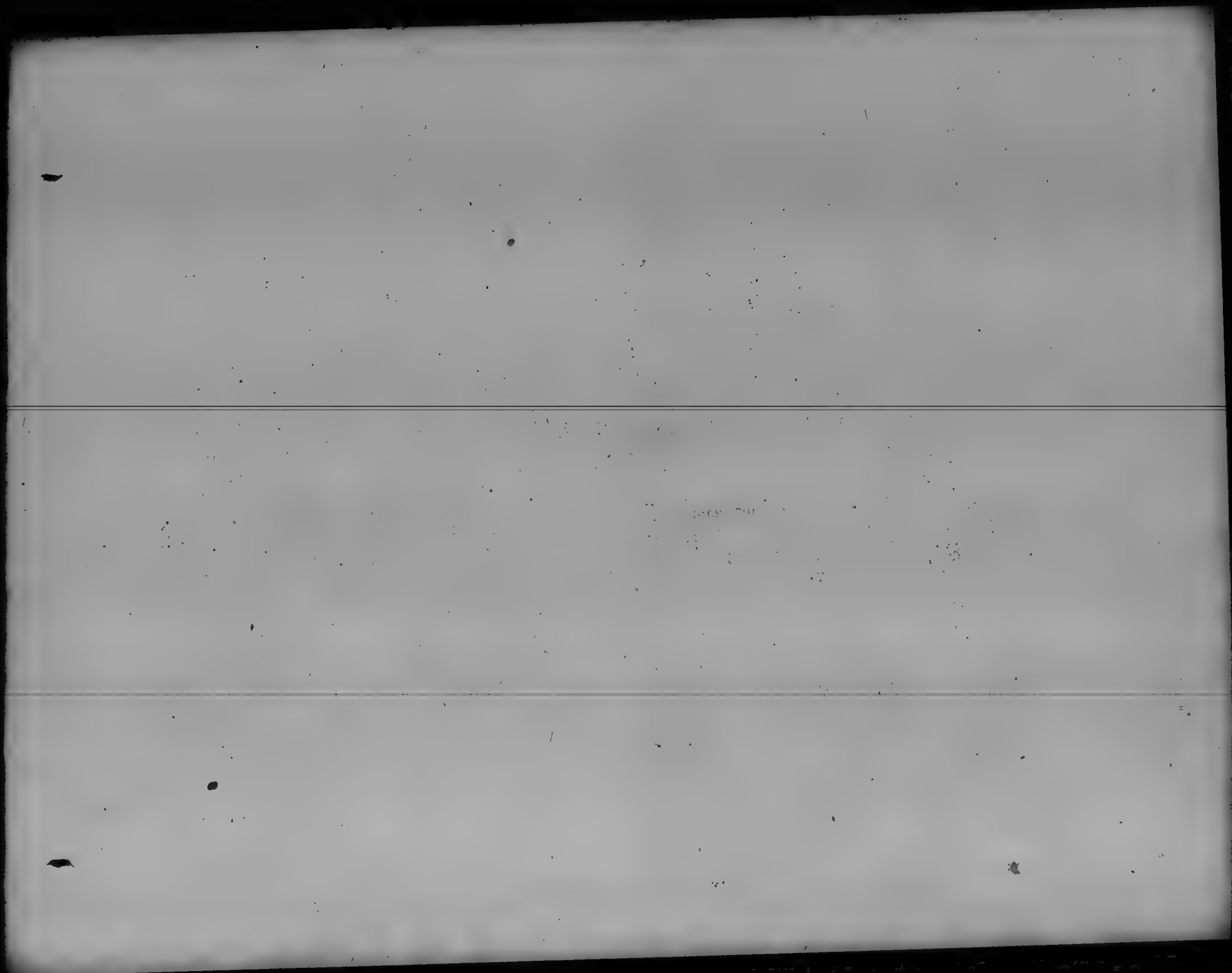
Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Jane Talley, R 552, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.I.



L. R. S.

F.

J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

ADULT CHAIRMAN

Cherokee R-552..

Muskogee, Indian Territory, April 17, 1902.

Jene Talley,

Fort Gibson, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLIXON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-552

LETTERS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation;

Muskogee, Indian Territory.

Sir:-

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Jane Talley, Cherokee No. R 552, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

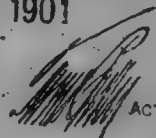
Cher R 553

Cher R 553

N R 553

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 27th, 1901.

In the matter of the application of Delbert N. Blake for the enrollment of himself and children as citizens of the Cherokee Nation; said Blake being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give us your full name? A Delbert N. Blake.
Q How old are you? A I am 48 years old.
Q What is your post-office? A Fort Gibson.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q In what district do you live? A Illinois.
Q Who is it you want to have enrolled, just yourself? A My children and myself.
Q Yourself and children? A Yes, sir.
Q You don't apply for your wife? A My wife is dead.
Q How many children have you? A Two.
Q Do you claim to be a Cherokee by blood? A No, sir.
Q Your wife was a Cherokee woman by blood was she? A Yes, sir.
Q When were you married? A I was married in '34.
Q To whom were you married? A Katie Townsend.
Q You say she is dead? A Yes, sir.
Q When did she die? A She died April, '96.
Q How old was she when she died? A She was about 38 years old.
Q How long had she lived in the Cherokee Nation? A Born and

raised here.

Q Lived here all her life? A Yes, sir.
Q Were you ever married before you married her? A Yes sir.
Q To many times? A Once.
Q Was that wife dead when you married this wife? A Yes sir.
Q What was the name of your first wife? A She was a Lowden.
Q When did you marry her? A I married her in Virginia.
Q When did she die? A She died in '31.
Q Did she die in Virginia? A Yes sir.
Q Was your wife, Katie Townsend, ever married until she married you? A Yes sir; she was married to Townsend; her maiden name was Benge.
Q And her first husband was Townsend? A Yes sir.
Q She was married only once before she married you? A Yes sir, once is all.
Q What was the full name of her husband, Townsend? A Aleck Townsend is all I can tell you.
Q Was he a white man? A No sir, he was a Cherokee.
Q He is dead is he? A Yes, sir.
Q He died before your wife married you? A Yes sir.
Q Give us the name of your wife's father? A George Benge.
Q Is he alive? A No sir, he is dead.
Q Give us the name of your wife's mother? A I can't do it; yonder is a man that perhaps can.
Q Is she dead? A Yes sir, they are both dead.
Q Have you a license and certificate of marriage to your wife?
A I had a license and certificate of marriage both and they were destroyed in the fire at Tahquah; there is Mr. Butler there will make a statement.
Q In what year was that fire? A I do not remember just what year it was; it was destroyed at Tahquah in the fire at the time the record was burned there.
Q Who issued you that license? A Allen Ross.
Q Was he clerk of Illinois District? A He was clerk of Tahquah District.
Q Who all were your signers? A Houston Benge and his wife, Riddle Benge and his wife, M.L. Butler's wife, Conong Vann's folks there.

Q Around Ft. Gibson? A Yes sir.
 Q Your signers all lived in Illinois District? A Yes sir.
 Q How did it happen that you did not get your license there where your signers lived? A The clerk did not happen to be at home.
 Q Where were you married? A At Ft. Gibson.
 Q By a deputy clerk there? A No sir, there was no clerk there; the clerk had gone to Ft. Smith.
 Q And you went up to Tahquah and got your license? A Yes sir.
 Q Who you say is there here that knows about it? A Mr Butler.

MARCUS L. BUTLER, being sworn and examined by Corrolied over Breckinridge, testified as follows:

Q Give your full name, please? A Marcus Lafayette Butler.
 Q Your age? A 41.
 Q Your post-office? A Muskogee at present.
 Q Have you lived in the Cherokee Nation? A Yes sir.
 Q How long have you lived in the Cherokee Nation? A Well I came to the Cherokee Nation twenty years ago, but I have not been in the Cherokee Nation all the time.
 Q You are a Minister of the Gospel? A Yes sir.
 Q Of what denomination? A Methodist Episcopal Church, South.
 Q Do you know the applicant here, Mr. Blake? A Yes sir.
 Q Did you perform a ceremony between him and his wife, who was Katie Townsend? A Yes sir.
 Q Where did you marry them? A At Ft. Gibson, at the residence of Mr. Houston Henge.
 Q Did he have a Cherokee license? A Yes sir.
 Q And you married them under the Cherokee license? A Yes sir.
 Q You knew of no reason why they should not be united in marriage? A No sir.
 Q Did Mr. Blake and his wife, Katie Townsend, live together until she died? A Well, as far as I know, they did; I was stationed at Ft. Gibson at that time, and moved shortly afterwards.
 Q You married them about 1884? A Yes sir, May, 1884.

DELBERT B. BLAKE, the applicant, recalled, testified as follows:

Q Now Mr. Blake, did you and your wife, Katie Townsend, live together until she died? A Yes sir, ~~and~~
 Q And all the time in the Cherokee Nation? A Yes, sir.
 Q Have you continued to live in the Cherokee Nation since your wife died? A Yes sir.
 Q Have you re-married since she died? A Yes, sir.
 Q To whom have you married since she died? A I married a Mrs Nelson.
 Q Her full name please? A Rittie.
 Q Is she a white woman or Cherokee? A Well she is said to be part Cherokee and part white.
 Q Why do you not apply for her enrollment? A Well, she is going to enroll herself she said.
 Q How old is she? A She is 26 years old.
 Q When did you marry her? A I married her last January was a year ago.
 Q How often was she married before she married you? A She was married once.
 Q Was that husband dead when she married you? A No sir, they was divorced.
 Q What was his name? A His name was Nelson, George Nelson.
 Q When were they married? A They was married five years.
 Q When were they divorced? A They were divorced last November.

term of court, this year ago.

Q 1899? A Yes sir.

Q Have you a copy of the decree of divorce? A No, sir, I haven't here; there is one at the court house.

Q She was divorced in November, 1899, and you married her the January following? A Yes, sir.

Q How long has your present wife lived in the Cherokee Nation?

A She has been over in Gibsby six years.

Q How long did she live in the Nation before that? A I don't know; I can't tell you.

Q Is she on any roll of the Cherokee Nation? A I don't know, I could not tell you that; there has not been any rolls made since I got acquainted with her.

Q Was her first husband a Cherokee or white man? A He was a white man I think.

Q Give me the name of your present wife's father? A William Henry Adams.

Q Is he dead? A I don't know where he is.

Q Give me the name of her mother? A I can't do it.

Q Where was your wife born? A That is what I don't know.

Q You knew nothing about her? A I never asked any questions.

Never asked her where she was born or anything about it; I heard her say she had lived on the line out there a long time.

Q Close to what line? A Up there at Southwest City.

Q On which side did she live? A In the Nation there, she said.

Q You don't know when she married her first husband, George Nelson?

A No sir.

Q Give me the names of your children, please? A Effie May.

Q How old is that child? A She was born in 1889.

Q About twelve years old now? A Yes sir; no, she was born in 1887.

Q Now the next child? A James Houston, born in '89.

Q He is about eleven years old? A Yes, sir.

Q Are they both living now? A Yes sir.

Q Living with you in the Cherokee Nation? A Yes sir.

COMMISSIONER BRECKINRIDGE: The applicant files a certificate from the Assistant Executive Secretary of the Cherokee Nation, and under the seal of the Cherokee Nation, showing that the records of Tahlequah District in the Executive office of the Cherokee Nation establish the marriage on July 5th 1884 between the applicant and his second wife, Katie Townsend, the ceremony being performed by Reverend M.L. Butler. The document further states that there is no record with respect to the marriage license, but that part of the record of the district clerk's office, Tahlequah District, Cherokee Nation, was destroyed by fire in 1894. This is filed herewith.

Q What was the full name of her husband? A ~~Reverend~~ Townsend?

A Aleck.

Q Was Aleck Townsend a white man or a Cherokee? A He was a Cherokee.

Q Did they separate do you know? A I don't know; he was arrested for selling whiskey, and died in the St. Smith jail.

Q About when was that? A He died in '91.

Q When was your wife's, Katie's, husband put in the St. Smith jail?

A In '78 or '79 I don't remember which.

Q So he was not out of jail at the time the roll of 1880 was made? A No, sir.

Q You say he died in 1891? A Yes sir, I think it was.

MARTIN V. BRUCE, being sworn and examined by Commissioner Breckinridge, testified as follows:

Delbert B. Blake et al 4

- Q Give your full name? A Martin V. Benge.
Q How old are you? A 45.
Q What is your post-office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant, here, Mr. Blake? A Yes, sir.
Q Did you know his former wife, Katie Townsend, or some such name? A Yes, sir.
Q Did she live with your father? A Yes sir.
Q Where was she living in 1900? A Well, sir, she must have been living in 1900 there in Tahlequah District or Illinois.
Q Well, now, her husband, Townsend, or whatever name it was, was in Jail at that time was he not? A I could not tell you.
Q Did he die in Jail at Ft. Smith? A I don't know about that.
Q What was the given name of this man, Katie's first husband, Townsend? A The best of my knowledge is Walter Townsend.
Q Mr. Blake thinks it was Aleck? A It was Walter I am satisfied.
Q Did this woman Katie have a child? A Yes sir.
Q What was the name of the child? A Annie.
Q Did she have any sisters or brothers? A I could not tell you sir that.

Tribal rolls of the Cherokee Nation examined and Applicant's former wife's name identified thereon as follows:
1900 authenticated roll, page 812, #2292, as Anna Townsend, Tahlequah District. (Identified as the child of Applicant's former wife.)
1900 ~~roll~~, authenticated roll, page 589, #1396, Katie Townsend, Illinois District;

- Q Mr. Benge, do you know anybody named Townsend? A No sir.
Q You think that is the enrollment of Katie Townsend? A Yes sir.
Q

Tribal rolls of the Cherokee Nation examined and Applicant's and his children's names found thereon as follows:
1900 Census roll, page 926 #26 Delbert Blake, Illinois Dist.
page 844, #290 Effa May Blake, Illinois District; #290
844 #293 James H. Blake, Illinois District.

DELBERT B. BLAKE, the applicant, re-called, testified as follows:

- Q Mr. Blake, have you any evidence at all that your present wife is a citizen? A No sir.
Q You don't know of any ground whatever on which she could apply or claim to be a citizen? A No sir, I never asked her.

Commissioner Brackinridge: The applicant applies for the enrollment of himself and two children. He is a white man. He files an official copy of the record of the Cherokee Nation covering the matter of his certificate of marriage to a Cherokee woman, Katie Townsend. It is indicated in the certificate as well as by other testimony that the applicant was married in accordance with the Cherokee license, but that the record relating to the license was destroyed by fire; it appears that the applicant's marriage to this deceased wife was without lawful hindrance, and that they lived together in the Cherokee Nation until her death, and he is identified on the roll of 1906; she being dead at that time, but she is identified in a satisfactory manner upon the roll of 1900.

It further appears that since the death of the applicant's Cherokee wife he has remarried. It is plain that his present

Delbert A. Blake ~~Serial~~ #5

wife was divorced from a former husband in 1899, but no copy of the decree of divorce is filed. In any event it is not claimed by the applicant that his wife is a Cherokee citizen. She has made no claim for that status herself, and a search of the rolls fail to disclose that she has ever been admitted to enrollment by the Cherokee authorities. She seems to have lived in the Cherokee Nation for some years past. It is apparent therefore that the applicant, ~~whatsoever~~ ~~whatever~~ whatever may be his rights by his first ~~wife~~ wife, has lost those rights by his second marriage and the application for his own enrollment is rejected, and he will be listed as a Cherokee by intermarriage to that effect.

As for the two children for whom application is made Willie Ray and James H. Blake: The marriage between their father and mother being satisfactorily established, and their deceased mother having been identified on the roll of 1880, and it appearing that she lived in the Cherokee Nation all her life, and these children being duly identified on the roll of 1896, they being alive at this time, and their mother being identified on the roll of 1880 as a native Cherokee, they will now be listed for enrollment as Cherokees by blood.

---ooo000ooo---

J.C. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.C. Reason

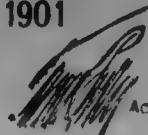
Subscribed and sworn to before me this March 28th, 1901.

Committed over.

M.D. Green
Notary Public

137 1833
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 27 1901

 ACTING CHAIRMAN.

2/ 553
P/ 10
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 27 1901

[Signature]

ACTING CHAIRMAN

Married at Ft. Gibson, C.W. D.B. Blake and Caty Townsend, Ceremony
performed by Rev. M.L. Butler, Elder M.E. Church, South.

Allen Ross, Clerk,

July 5-1884.

T.D.C.W.

Executive Office Cherokee Nation,

Tahlequah, Ind. Terr. July 14-1900.

I, A.B. Cunningham, Assistant Executive Secretary, do hereby certify that
the above is a true and correct copy of the Marriage record of Tahlequah
District, Cherokee Nation, Now a part of the Records of this office,
Further, that there is no record of marriage license having been issued
to D.B. Blake to marry Caty Townsend, ~~book~~ as part of the Records
of the District Clerks Office of Tahlequah District Cherokee Nation
were destroyed by fire in 1894.

In Witness whereof I hereunto set my
hand and affix the Seal of the Cherokee Nation this 14-day of July, 1900.

A. B. Cunningham
Assistant Executive Secretary.

May Blake was born April 9, 1885
Houston Blake was born the 1889
November 9

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Delbert B. Blake, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 553, it is entitled Delbert B. Blake, and is known as a Cherokee rejected application.

Respectfully,

(SIGN) *I. B. Needles.*
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 553.

(COPY)

Cherokee R 553

Muskogee, Indian Territory.
February 14, 1902.

Mrs Delbert B. Blake,
Fort Gibson, Indian Territory.

Sir:

On the 27th day of March, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 5th day of July, 1894, to one Katie Townsend, nee Benge, a citizen by blood of the Cherokee Nation; she having died in April, 1898. At the time of your said marriage it appears that you were a widower of your first wife, whom you married in the State of Virginia, and who was a white woman. That you are identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the marriage to the aforesaid Katie Townsend, nee Benge.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 26, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names

are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It further appears from the testimony that you were subsequently married in January, 1900, to one Mrs. Rittie Nelson, a white woman.

The rights of citizenship that you acquired by your marriage with the aforesaid Katie Townsend, nee Bengs, were forfeited by your subsequent marriage to the aforesaid Mrs. Rittie Nelson.

The Cherokee law applicable in this case is as follows:

Section 666: "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings has in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Enclosure

Register

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision, rendered*

FEB 14 1902

of Robert B Blake

*in the matter of the application
for enrollment as _____ citizen _____ of the*

Cherokee Nation.

*_____
Attorney for Cherokee Nation.*

Cherokee No.

R 553.

J.P.

COPY.

DEPARTMENT OF THE INTERIOR.

Washington/

I.T.D.2034,2098-1902.

WHR.

L.R.S.

March 31, 1902.

The Commission

to the Five Civilized Tribes.

Gentlemen:

Referring to departmental letter of March 26, 1902, rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Delbert B. Blake, No. R 553, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

Thos. Ryan

Acting Secretary.

E.M.D.

DEPARTMENT OF THE INTERIOR,

Washington.

March 26, 1902.

I. T. B. 1752-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 14, 1902, you transmitted the record in the matter of the application for enrollment of Adeline Abel as a Cherokee citizen by intermarriage-R 29.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1883; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 21 of the act of June 28, 1896, (30 Stat., 495), which directs that your commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1855 (see "Laws of the Cherokee Nation" published by the act of the National Council in 1892), provides:

"Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

-2-

The Acting Commissioner of Indian Affairs March 21, 1902,
transmitting the case with others, recommended that your decision
be concurred in.

The claimant, as held by you, by virtue of the Cherokee law,
forfeited her rights to enrollment as a Cherokee citizen by inter-
marriage after the death of her Cherokee husband, with a person not
a citizen of the Cherokee Nation, and your decision is affirmed.
A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell.

Acting Secretary.

E. H. D.

1 inclosure.

Copy.
Refer in reply to the following.

11498-1802.
11729-1802.
11730-1802.
11731-1802.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, March 21, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

Referring to office report of even date transmitting the record relative to 129 applicants for enrollment as citizens of the Cherokee Nation, there is enclosed, herewith, the record relative to 47 applicants for enrollment as citizens of said nation.

These applicants claim that they are entitled to enrollment as citizens by intermarriage. The Commission forwarded the record in each case with a separate report and said reports are also transmitted, herewith. The names of the applicants are as follows:

Number	Name	Number	Name
39	Adaline Abel	42	Alfred D. Stewart
43	Martina A. Hunter	46	Edward E. Kump
47	Evel Hall	52	Annie Nelson
50	Euford L. Summerhill	58	David Goff
64	Andrew J. Jeremiah	66	Joseph H. Boyd
67	Charles G. Barnett	72	Henry Walters
84	William A. Hall	103	Ellen West
111	Missouri Williams	115	Daniel A. LaBarge
128	George B. Tell	131	Lula Roberts
140	Robert Klump, Sr.	150	James T. Skinner

-7-

Number	Name	Number	Name
153	George H. Warren	166	William R. Stuart
176	George W. Gibbnay	240	Frank Corban
246	John Hunt	251	John F. Rice
254	Enos W. Parsons	262	Richard E. Carrington
264	Lambert T. Kinhead	270	Ben Hall
272	Elizabeth Hall	293	William B. Wallace, Sr.
324	Silas T. Busby	357	Canada Youngblood
368	Edith Evans	423	Joseph A. Prather
425	Emily O. Hensley	438	Mary A. Jones
456	John W. Stevenson	458	Frank L. Garrison
467	Samuel W. Carpenter	475	Lillie Hood
483	Ed Swartney	522	William J. Hawkins
544	Samuel H. Sreaton	559	Mary S. Armstrong
622	Malinda Latham		

Section 21 of the Act of June 28, 1898, (30 Stats., 495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

-3-

and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such, intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee laws is as follows:

Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section governs the cases transmitted, herewith,

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequent to the death of said citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Tonner,
Acting Commissioner.

G. A. T. (E.)

Cherokee R-553.

Muskogee, Indian Territory, April 10, 1902.

Delbert B. Blake,

Ft. Gibson, Indian Territory.

Dear Sir: You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 31st day of March, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-553.

Muskogee, Indian Territory, April 10, 1902.

W/ W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Delbert B. Blake, Cherokee No. R. 553, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 31st day of March, 1902.

Very respectfully,

Commissioner in Charge.

Cher R 554

Cher R 554

6 R 554

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 8 1901

 ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes.
Claremore, I.T., October 30, 1900.

In the matter of the application of Ella Coon for the enrollment of herself, husband and three children as Cherokee citizens being sworn by Commissioner Breckinridge and examined by the Commission she testified as follows:

- Q What is your name? A Ella Coon.
Q Have you any middle name? A No, sir, not that I know of.
Q What is your age? A 32.
Q What is your postoffice address? A Watova.
Q Is that in the Cherokee Nation? A Yes, sir.
Q Do you make application for enrollment as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Who do you want to have enrolled? A Myself, husband and three children.
Q What degree of Cherokee blood do you claim? A I don't know.
Q What district do you reside in? A Coowasee.
Q How long have you lived in the Cherokee Nation? A Born and raised here, so far as I know.
Q Have you been outside the Cherokee Nation at any time during the past three years? A No, sir.
Q What is the name of your father? A Lewis Bible.
Q Is he living? A Yes, sir.
Q Is he a Cherokee? A Yes, sir.
Q What is the name of your mother? A Ruth. Nicholson was her name.
Q Is she living? A No, sir.
Q What was your name in 1880? A Wilkerson I suppose.
Q What district were you enrolled in in 1880? A I don't remember, but my name is on the 1880 roll.
Q In what district were you enrolled in 1896? A In this district I think.
Q Are you married? A Yes, sir.
Q What is the name of your husband? A William Coon.
Q How old is he? A About 29 or 30 years old.
Q Is he living? A Yes, sir.
Q How long has he lived in the Cherokee Nation? A I think he has lived here 15 years.
Q What is the name of his father? A R.M. Coon.
Q Is he living? A Yes, sir.
Q What is the name of your husband's mother? A Sophia, I believe is his mother's name.
Q Were your husband's parents ever recognized citizens of the Cherokee Nation? A No, sir, they don't claim to be citizens at all.
Q When were you married? A 8 years ago this fall.
Q Did you secure a license? A We have a license, we have no certificate.
Q By whom were you married? A Preacher Jack, he is dead.
Q Did you secure your license from the Cherokee tribal authorities? A I suppose.
Q Where did you get your license? A At Vinita.
Q Did you get them in the United States Court there? A I suppose so.
Q Who issued the license to you? A Well I don't know who issued the license.
Q Have you that license with you? A No, sir, I haven't.
Q Don't you know of your own knowledge whether you received a license from the Cherokee Nation or whether you received it from the United States? A No I don't.
Examined by Cher. Rep'Ve Hastings:
Q Where is your husband now? A He is out in town.

Q Why didn't he come up with you? A He staid to keep the baby, it is so noisy.

Q Has he lived with you continuously since you married him?

A Yes, sir.

Q All the time? A Yes, sir, all the time. Of course he don't stay at home all the time; he works away from home a good deal of the time.

Q What at? A He follows a threshing machine.

Q Did he ever go away from your place with another woman since your marriage? A Not to my knowledge.

Q You haven't accused him of it? A Why no, I haven't accused him of it.

Q Hasn't he been away from home some considerable length of time for which he hasn't accounted to you? A I never asked him to give an account.

Q Isn't it generally understood that he went off with another woman while you were living with him? A I didn't know that he did.

Q You swear you never heard of it? A No, I won't swear it.

Q Did you hear it? A Why, no, not particular; I heard first one and another saying first one thing and another.

Q What did you hear? A He was staying here at Collinsville and someone told me he had another woman.

Q How long was he gone at Collinsville at that time? A I guess he was there a month or so.

Q How far is that away from your home? A I don't know.

Q Where is your home? A We live up close to Watova now, we lived then about 10 miles from Claremore.

Q It is about 18 miles from here to Collinsville? A I don't know.

Q What direction did you live from Claremore at that time? A I reckon it must have been north-east of here. It's up towards Foyil.

Q You say he was down there about a month; did he come home during that time? A Yes, sir.

Q You are living with him now, peaceably as your husband?

A Yes, sir.

Q You recognize him as your husband? A Yes, sir, I do.

Q You have got no kick coming? A No, no kick coming whatever; a woman aint accountable for what a man does are they?

Commission:

Q Were you ever married before you married your present husband?

A Yes, sir, I was.

Q What was the name of your first husband? A Leonard Wilkerson.

Q When were you married to him? A I expect it has been 20 years ago.

Q Were you married before you were 12 years old? A I was married when I was 16 years old, and I am 32 now.

Q How long did you live with him? A About four years.

Q Is he a Cherokee or a white man? A Cherokee.

Q Is he living? A I don't know; he was living the last account I had of him.

Q Did you secure a divorce from him? A Yes, sir.

Q Have you any evidence of that divorce? A I don't know.

Q Where did you secure a divorce? A Tahlequah.

Q At the tribal courts? A I guess so.

Q Was the divorce granted to you or to him? A To him.

Q Upon what grounds? A I don't know.

By Hastings:

Q Leonard Wilkerson alive? A He was the last time I heard of him.

Q Were you present when the divorce was granted? A I was at Tahlequah.

Q Were you up at the court house? A No, sir.

Q Were you represented? A Yes, sir.

Q Who represented you? A Ivy.

Q You never went up there? A No, I thought if he wanted a divorce to go ahead and get it.

Commission:

Q When was that divorce granted? A I couldn't tell you.

Q About how long ago? A About three years after we separated.

Q And you lived with him how long? A Three or four years.

By Hastings:

Q Was the divorce from Wilkerson granted before you were married to Coon? A Yes, sir.

Commission:

Q Give me the names of the children for whom you make application?

Q The oldest one is named Alice Coon.

Q How old is she? A She is seven years old.

Q What is the name of the next child? A Bertha Coon.

Q How old? A She is five years old.

Q What is the name of the next child? A Annie Coon.

Q How old is she? A She is two years old.

Q Are these children all alive and living with you? A Yes, sir.

Q Who is the father of these children? A My present husband.

Q You are the mother of the children? A Yes, sir.

Q Have they always lived in the Cherokee Nation? A Yes, sir.

1880 roll page 64 #147 as Ellen Bible Cooweescoowee, native Cher.

1896 roll page 128 #860 as Ellen Coon, Cooweescoowee.

1896 roll examined for present husband and name not found;

1896 roll page 128 #861 Alice Coon, Cooweescoowee.

1896 roll page 128 #862 Bertha Coon, Cooweescoowee.

Q Did you make application to the tribal authorities in 1896

for the enrollment of your husband? A No, I didn't ask particular; they asked me his name and I told them.

Q What did they tell you? A I don't know exactly what they told me, whether they told me anything or not.

Q Isn't it a fact that the reason they didn't enroll him was because he was married under the laws of the United States instead of the laws of the Cherokee Nation? A No, I reckon not.

Commission: The applicant applies for the enrollment of herself, husband and three children; she is identified on the authenticated roll of 1880 under her maiden name, as a native Cherokee; and upon the census roll of 1896 under the name of her present husband; she also appears upon that roll as a native Cherokee; she has lived in the Cherokee Nation all her life and will be listed for enrollment by this Commission as a Cherokee citizen by blood.

Her two older children are identified upon the census roll of 1896 as native Cherokees; their residence has been established to the satisfaction of the Commission and they will also be enrolled as native Cherokees; when she files with the Commission properly executed affidavits as to the birth of the youngest child, it also will be listed with her as a Cherokee citizen by blood.

She makes application in behalf of her husband, William Coon, a white man; he is not identified upon the census roll of 1896; his wife, the applicant, was formerly married to one Leonard Wilkerson, a white man; she avers that she secured a divorce from him but does not produce any documentary evidence of this fact; she will be required to file with the Commission a decree of the court granting a divorce from her former husband; she avers that she was married to her present husband eight years ago, but does not aver as to whether it was United States law or Cherokee law; he will therefore be listed for enrollment as an intermarried citizen upon what is known as a doubtful card, and the applicant will be required to file either the original or a certified copy of her Cherokee marriage license and certificate.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 31st day of October, 1900.

(Signed) O. R. Mackinridge,
Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 26th day of November, 1901.

M. D. Green
Commissioner.

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSTOGE, I. T., MARCH 28th, 1901.

In the matter of the application of Leonard Wilkerson for the enrollment of himself and children as citizens of the Cherokee Nation; said Wilkerson being sworn and examined by Commissioner Brackinridge, testified as follows:

Q Give me your full name? A Leonard Wilkerson.
Q How old are you? A About 39.
Q What is your post-office? A Starville.
Q In what district do you live? A Canadian.
Q Who is it you want to have put on the roll, just yourself?
A Just myself and three children.
Q No wife? A No sir.
Q Do you claim as a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A George Wilkerson.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Susan Wilkerson.
Q Is she dead? A Yes sir.
Q Give me the names of these children? A The oldest one is named Eva.
Q How old is Eva? A She is 14.
Q The next child? A Minnie.
Q How old is that child? A She is 12.
Q The next child? A Oscar.
Q How old is he? A Seven.
Q Are these children all living now? A Yes sir.
Q Are all of them the children of one mother? A No sir, two of them by my first wife.
Q And one by your second wife? A Yes sir.
Q Eva and Minnie are by your first wife? A Yes sir.
Q Give me the name of the mother of Eva and Minnie? A Ellen.
Q Is she dead? A Yes, sir, she is dead.
Q Was she a Cherokee or white woman? A Cherokee.
Q When did she die? A She died, I think it was in, I don't remember now, we and her married in '85 and lived together six years.
Q Died about 1891? A Yes sir.
Q How old was she when she died? A I disremember, she was only about 24 or 26.
Q Had she lived in the Cherokee Nation all her life? A Yes sir.
Q Give me the name of her father? A Bible.
Q Full name? A Lewis.
Q He is dead is he? A No sir.
Q Give me the name of your first wife's mother? A I do not know, she has been dead several years.
Q Now give me the name of your second wife? A Zepha.
Q Is she dead? A Yes sir, she is dead.
Q Was she Cherokee or white woman? A She was a white woman.
Q When did you marry her? A In '93.
Q How long has she been dead? A Been dead four years.
Q Have you a certificate of marriage between you and Zepha?
A No, sir; we was married under Cherokee laws.
Q Was she ever married before she married you? A I think she was.
Q How many times? A Only one time.
Q What was the name of her first husband? A John Carlile.
Q Was he dead when she married you? A No sir.
Q She was divorced from him? A Yes, she was divorced.
Q Have you a copy of the decree of divorce? A No sir, I haven't.
Q Where was she divorced from him? A I think it was in Flint District.

Leonard Wilkerson--2

Q How you a certificate of marriage to your first wife, Ellen?

A No sir.

Q Have you anyone here who knows that you and she were married or lived together? A No sir.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant's name and that of his first wife, identified thereon as follows: Page 327 #2731 Leonard Wilkerson Tahlequah District. Page 64 #147 Ellen Bible, Cowassee District.

Q Mr. Wilkerson, did you and your wife Ellen live together until she died? A No sir, we separated.

Q You separated, in what year, 1891? A It must have been about 1890, I guess.

Q You lived with her six years, and then separated? A Yes sir.

Q You testified awhile ago that you thought she was dead? A Well I heard she was dead; I first heard that she was married and then I heard she was dead.

Q When did you hear she married? A I heard she married a man by the name of Coon.

Q And then you heard she was dead? A Yes, sir.

Q And as soon thought you think she is not dead? A I don't know it, I just heard it.

Q Did you get a divorce from her? A No sir, I just thought she was dead.

Q There was never any divorce proceeding between you and your first wife, Ellen? A No sir.

Q She was not represented by a lawyer named Ivoy at Tahlequah?

A Not that I know of.

Q You never applied for a divorce? A No sir.

Q You never heard of her applying for a divorce? A Not that I know of.

Com'r Brockinridge :--- It is shown in the record of Ella Coon case #5151, that the applicant's first wife is living. She claims in her testimony that there was a divorce between her and her first husband, the present applicant, and reference will be made on her card and on card No. D 759, the same being the card of her present husband, to this testimony, and a copy of this testimony will be filed in case D #759.

1896 Census roll of citizens of the Cherokee Nation examined and applicant and that of his children found thereon as follows:

Page 1272 #3844 Leonard Wilkerson Tahlequah District;

page 1272 #3845, Eva Wilkerson, " "

page 1272 #3846 Winnie Wilkerson, " "

page 1272 #3847 Oscar Wilkerson, " "

(The name of applicant's second wife not found on roll of 1896?)

Q Were you ever married except these two times? A No sir.

Q Was your first wife ever married before she married you? A No.

Com'r Brockinridge: The applicant applies for the enrollment of himself and three children, two by a former wife and one by his latter wife; The applicant himself is duly identified on the rolls of 1890 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood. His first wife whom he stated at first to be dead is shown by subsequent developments in the testimony to be living.

She is identified on the roll of 1880 as a native Cherokee and has already been enrolled under the name of Ellen Coon, the name she now bears. The applicant does not present a certificate of marriage to this woman, but it is established in a satisfactory manner by his testimony, sustained by that of the woman herself in her own application, a copy of the testimony in said case being filed herewith. The two children are duly identified on the roll of 1880. They are living and will be listed for enrollment as Cherokees by blood.

The applicant's third child, Oscar, the youngest of his children, is by his second wife, who is said to be now dead. The applicant's marriage to this woman is not supported by testimony, and even if it were, she being a white woman, and, as stated by him, there not having been any divorce between him self and his first wife, it would not be a marriage that would entitle the child to enrollment. It further appears that the mother of this child was herself once previously married, and that she was divorced from that husband, according to the testimony, but no copy of the decree of divorce is filed herewith. So in addition to the doubt arising from the divorce of this child's mother from her first husband, there is a certainty that the child's father, as shown by his own testimony, was no divorced from his first wife, therefore, the application for the enrollment of this child, Oscar, who is identified on the roll of 1880, but is shown not to be a child of a marriage that gives him the right of citizenship, is rejected, and he will be listed upon a rejected card under the status of a Cherokee by blood.

---000000000---

J.O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rossen

Subscribed and sworn to before me this March 29th, 1901.

M.D. Green
Notary Public.

7213
DSD

Cherokee-R-554.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Oscar Wilkerson, and others, as citizens by blood of the Cherokee
Nation.

D E C I S I O N.

The record in this case shows that on March 28, 1901 Leonard Wilkerson appeared before the Commission, at Muskogee, Indian Territory, and made application, among others, for the enrollment of his son, Oscar Wilkerson, as a citizen by blood of the Cherokee Nation. The rights of the other parties to this application have been previously passed upon, and they are, therefore, not embraced in this decision. The testimony, taken at Claremore, Indian Territory on October 30, 1900, in the matter of the application for the enrollment of Ella Coon et al. as citizens of the Cherokee Nation is filed with and made a part of the record in this case.

The evidence shows that Leonard Wilkerson is duly identified upon the 1850 authenticated Roll of the Cherokee Nation, and his name appears as number 17613 upon the partial roll of citizens by blood of the Cherokee Nation prepared by this Commission, and approved by the Secretary of the Interior on December 23, 1902. The evidence further shows that the said Leonard Wilkerson was married, in 1855, to his first wife, Ellen Wilkerson (nee Bible), and that they separated about 1891. It does not appear that a divorce was obtained dissolving said marriage. Subsequent thereto, and in 1893, Leonard Wilkerson was married to Zepha Wilkerson (formerly Carlile), a white woman, who had been divorced from a former husband, and as issue of their marriage, the applicant herein, Oscar Wilkerson, was born about 1894.

The applicant is identified upon the 1896 Cherokee Census Roll, and his residence is considered to have been continuous in the Cherokee Nation from the date of his birth up to

and including the date of this application.

It is, therefore, the opinion of this Commission that Oscar Wilkerson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). *Tams Bixby.*

Chairman.

(SIGNED). *T. B. Needles.*

Commissioner.

(SIGNED). *C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

MAY 4 1905

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

WM. O. BEALL
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

DO NOT
REFER IN REPLY TO THE FOLLOWING:

Cherokee R-554.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 4, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 4, 1905, granting the application for the enrollment of Oscar Wilkerson as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. 3-53

Cherokee
COMMISSION TO THE FIVE CIVILIZED TRIBES

~~CONFIDENTIAL~~

R 551

R 551

Georg Wilkerson.

551

MAY 24 1905

Cher R 555

Cher R 555

CHEROKEE

R 553

Department of the Interior.
Commission to the Five Civilized Tribes.

In t

ids

C HEROKEE

JINICIE M. WRAY

THIS JACKET CANCELLED AND TRANSFERRED
BY
TRANSFERRED TO CHEROKEE MEMO NO.
BY ORDERS OF COMMISSION OF MARCH

4, 1903.

J 55

Le

Cher R 556

Cher R 556

Mem to S

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 8 1900

[Signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Bunch, I.T., July 30, 1900.

Rejected.

In the matter of the application of John T. Patterson for enrollment as a Cherokee citizen: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A John T. Patterson.
- Q What is your age? A 26.
- Q What is your post office address? A Stilwell.
- Q Have you ever been recognized by the tribal authorities of the Cherokee Nation? A No, sir.
- Q Your name is not on any of the rolls of the Cherokee Nation? A No, sir.
- Q For whom do you apply? A For my wife and children.
- Q You don't apply for yourself? A Yes, sir, and myself.
- Q Where do you live? A In Flint district.
- Q How long have you lived there? A 4 years.
- Q Where did you live before that? A I lived in Georgia.
- Q You have only lived in the Cherokee Nation 4 years, what year did you come from Georgia to the Cherokee Nation? A In 1896.
- Q Have you been living here ever since 1896? A Yes, sir.
- Q Continuously? A Yes, sir.
- Q What is the name of your father? A John Patterson.
- Q Is he living? A No, sir, he is dead.
- Q Is he a Cherokee? A No, sir.
- Q What is the name of your mother? A Mary Jane Patterson.
- Q Is she living? A Yes, sir.
- Q Is her name on any of the rolls of the Cherokee Nation? A No, sir.
- Q How long have you lived in the Cherokee Nation? A 4 years.
- Q How was it your name does not appear upon any of the rolls, you say they are not on any rolls? A No, sir.
- Q You say you are married? A Yes, sir.
- Q Under what law were you married? A Under Cherokee law.
- Q Have you got a marriage certificate? A Yes, sir.
- Q Do you apply for yourself here, don't you know you have got no right? A No, sir, I haven't got any right, only by marriage.
- Q Have you got any by marriage? A Yes, sir, by marriage I think I have.
- Q You present here a certificate of marriage certifying that you were married on the 17th day of September, 1897, to Miss Lillian Tucker, is that a fact, that was the date of your marriage? A Yes, sir.
- Q Were you living in the State of Georgia? A No, sir, in the Cherokee Nation.
- Q And you were married under the Cherokee law? A Yes, sir.

The evidence in this case showing that Mr. John Patterson was married to Miss Lillian Tucker on the 17th of September, 1897, and the Cherokee law providing that marriages consummated between Cherokee citizens and white persons after December 16, 1895, shall not be valid as to property rights and confers no rights of citizenship, the application of John Patterson for citizenship is hereby rejected.

John T. Patterson - S. C.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

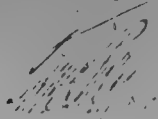
Sworn to and subscribed before me this the 2nd day of August, 1900.

Clifton R. Rusk
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 30 1900



Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date

1900.

Name

Year

Page

No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

Certificate

License

Wife's name

Year

Page

No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

APPROXIMATE THE INTER
TO
1911 12 12 13
1911 12 13 14

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claims by marriage in 1897, and not on any roll;
Make "R"; judgment stated.

Cherokee R 556

LA R. 511

101
JAN 21 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of John T. Patterson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and fifty-six, it is entitled John T. Patterson, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-556.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.....January 28.....1902

John T. Patterson,

Stillwell, I. T.

Dear Sir:

On the 30th day of July, 1902,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that **you were**

married on the **17th** day of **September, 1897** to one **Lilliam Tucker,**

a citizen by blood of the Cherokee Nation, ~~XXXXXXXXXXXX~~

~~XX~~ that you are **not**

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *

In view of the law and testimony in this case the application for the enrollment of **yourself** as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to **you** as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By **(Signed) Tams Bixby,**
Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Lani.
7008-1902.
7372-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, recommending for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stat., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the report in these cases above is as follows:

"That from and after the passage of this Act, all noncitizens who may marry hereafter by blood, Delaware or Shawnee by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 879 to Sec. 883, inclusive pages 332 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office was to forward each case with a separate report. But inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 18, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. F. Jones,

Commissioner.

GAT
D

273 inclosed.

12985.

R.

I. T. D. 886-1902.
D. C. 3873.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February 28, 1902,

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of John T. Patterson, R. 556, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 533.

Respectfully,

Thos. Ryan,
Acting Secretary.

Muskogee, Indian Territory, March 14, 1902.

John T. Patterson,
Stillwell, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R. 556.

Muskogee, Indian Territory, March 15, 1902,

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of John T. Patterson, Cherokee No. R. 556, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cher R 557

Cher R 557

REPORT

... ..
... ..
... ..

... ..
... ..
... ..

... ..
... ..
... ..

... ..

... ..
... ..
... ..

W. H. H. H.

D

6 221

YUG A 1200
F I L E D
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

ACTING CHAIRMAN

... ..
... ..
... ..

W. H. H. H.

ENROLLMENT REFUSED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bunch, I. T., August 3rd, 1900.

In the matter of the application of George W. Bolin for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testifies as follows:

- Q What is your full name? A George W. Bolin.
Q What is your age? A Twenty-seven.
Q What is your post-office? A Sallisaw.
Q District? A Sequoyah.
Q How long have you lived in Sequoyah? A I have been living there little over a year now.
Q Where did you live before that? A I lived in Flint.
Q How long did you live in Flint? A I lived in Flint two years.
Q Where did you live before that? A That's as long as I have been a citizen.
Q Three years? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir, I ought to be on the Tahlequah Roll.
Q Are you on the roll of 1895? A No, I don't guess I am, I married in 1897.
Q You claim as a Cherokee by intermarriage. A Yes sir.

Com'r Breckinridge: There was a Cherokee law passed in 1895 prohibiting the acquirement of any rights as a Cherokee citizen by intermarriage.

- Q You are not on the roll of 1896 nor the roll of 1894? A No sir.

Com'r Breckinridge: We have no right to consider your case; we cannot do anything for you.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

M. D. Green

Subscribed and sworn to before me this 6th day of August 1900.

Breckinridge
Commissioner.

~~Memo 24~~

N 557

Filed August 3. 1900

6.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE INDIAN TRIBES
FILED
MAY 20 1901

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

Complete and make rejected;- int emarried in

1897; judgment stated.

Cherokee R 557

10 (R 559)
Transmitted to the President of the United States

FILED
MAR 4 1902

[Handwritten signature]
Attest: [illegible]

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of George W. Bolin, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and fifty-seven, it is entitled George W. Bolin, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *I. B. Needles.*

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

Muskogee, Indian Territory,

February 14, 1902.

Mr. George W. Nolin,

Sallisaw, Indian Territory.

Sir:

On the 3rd day of August, 1900, I appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1897 to a citizen by blood of the Cherokee Nation; that you were not identified on the Cherokee Census roll of 1900, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names

are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895.

It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares, or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith are hereby repealed."

In view of the law and testimony in this case the appli-

cation for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) ~~Wm. Rixby~~ I. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Enclosure

Register

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered ~~Feb 14 1902~~ in the matter of the application
of *George W. Bolin* for enrollment as citizen of the
Cherokee Nation.

Attorney for Cherokee Nation.

Cherokee No. *R.557.*

1902

ACTING CHAIRMAN

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2153-1902.
D. C. 6012-1902.

April 3, 1902.

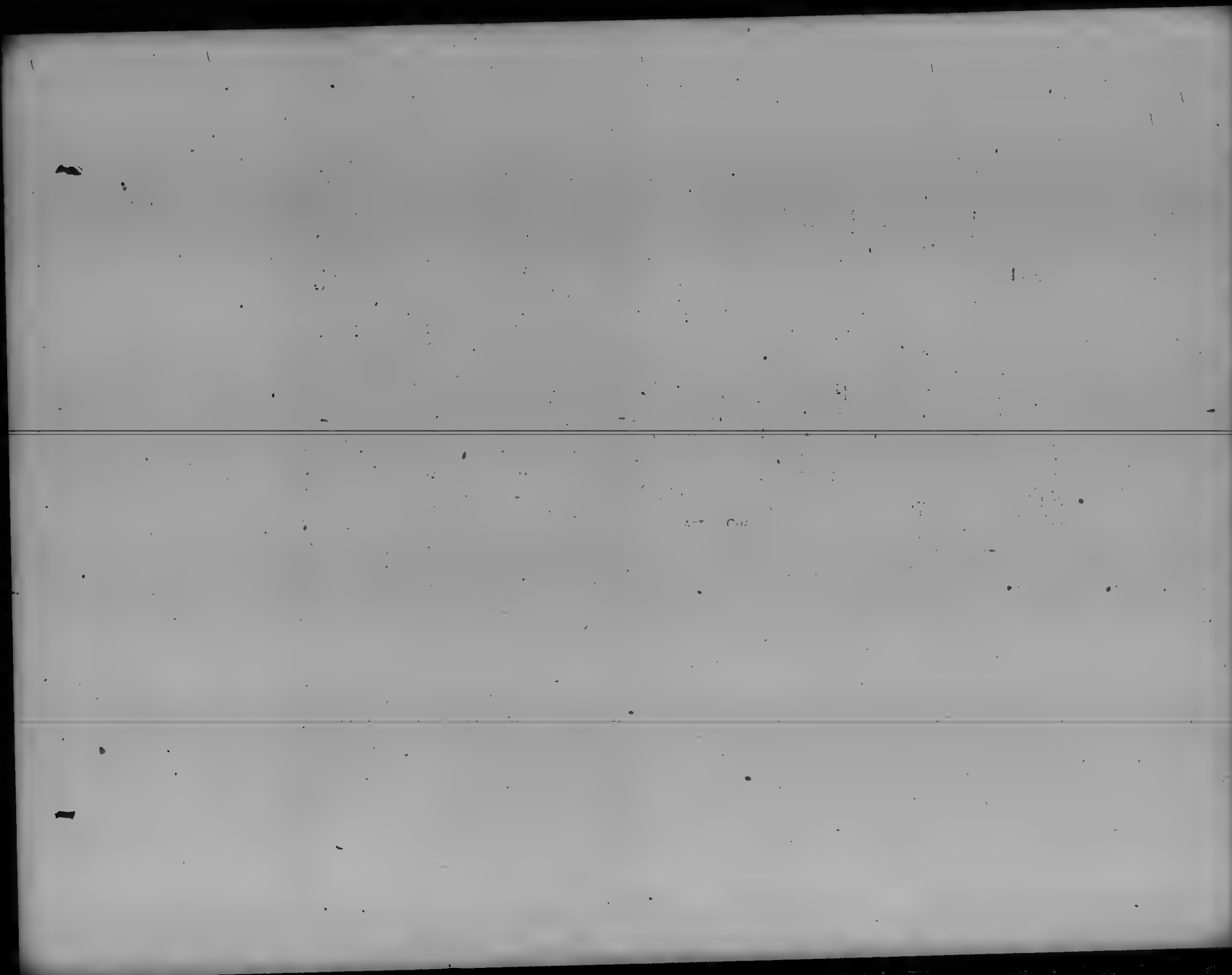
Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of George W. Bolin, R 557, for enrollment as an intermarried citizen of the said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that "it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying "a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

1.12

A. TING CHAI

Cherokee R-557

Muskogee, Indian Territory, April 17, 1902.

Mr. George W. Bolin,

Sallisaw, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge .

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-557.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of George W. Bolin, Cherokee No. R 557, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 558

Cher R 558

558

CHEROKEE NATION

JOSEPH W, C OLLINS ET. AL.

Charles Nation

NO. 558.

This jacket cancelled and testimony
transferred to Cherokee Memo No.33,
by order of Commission of March 4,
1902.

Cher R 559

Cher R 559

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I. T., Aug. 13, 1900.

In the matter of the application of Mary S. Armstrong for the enrollment of herself and children as Cherokee citizens; being sworn and examined by Commissioner Needles she testifies as follows:

- Q What is your full name? A Mary S. Armstrong.
- Q What is your age? A Thirty-three.
- Q What is your post-office address? A Long Post-office, I. T.
- Q Are you a recognized citizen of the Cherokee nation?
- A Yes sir.
- Q By blood or intermarriage? A By marriage.
- Q Does your name appear upon any of the rolls of the Cherokee Nation? A Yes sir.
- Q What district do you live in? A I live in this District, Sequoyah.
- Q How long have you lived here? A I have lived here about ten years.
- Q Where did you live before that? A I lived in Goingsnake District.
- Q How long have you lived in the Cherokee Nation continuously?
- A I have been here about twenty-nine years.
- Q What is your father's name? A William Robert Redden.
- Q Is he living? A No sir.
- Q Was he a non-citizen? A Yes sir.
- Q What is your mother's name? A Nancy C. Redden.
- Q Is she living? A Yes sir.
- Q She is a non-citizen? A Yes sir.
- Q When were you married? A In 1885.
- Q What is your husband's name? A Moses O. Parris.
- Q Is he living? A No sir.
- Q When did he die? A He has been dead going on nine years.
- Q What is his father's name? A I can't tell you.
- Q Is he dead? A Yes sir.
- Q Was he a citizen by blood? A No sir.
- Q What was your husband's mother's name? A Melina Redden, whom she died.
- Q Was she a citizen by blood? A Yes sir.
- Q When did she die? A She has been dead about two years.
- Q Have you any children under twenty-one years of age? A Yes sir, I have three. Ella M. Parris, thirteen; Unie C. Parris, eleven; Moses O. Parris, nine.
- Q Are these children all alive and living with you? A Yes sir.
- Q Have you any certificates of marriage? A No sir.
- Q 1880 roll, for applicant's husband: page 465 #1359 as Moses Redden, Goingsnake District.
- Q What proof of marriage have you got that you were married to Moses Redden? A I haven't got no eye witnesses; Jack Wright married us in 1885, I think it was in Goingsnake District; he was a clerk.
- Q Is he living? A No sir, I think he is dead.
- Q Have you ever been married but once? A Yes sir, I have been married once.
- Q When did you marry Armstrong? A Five years ago.
- Q Is he a white man? A Yes sir.
- Q What is the date of your marriage? A December, 1895.
- Q What was his father's name? A William R. Armstrong.
- Q Is he living? A Yes sir.
- Q 1895 roll, children, page 778 #1633 Ella May Parris, Goingsnake.
- Q 1896 roll, page 778 #1634 Unie C. Parris, Goingsnake Dist.
- Q 1896 roll, page 778 #1635 Moses O. Parris, Goingsnake Dist.
- Q Do you want for anything? A Yes sir.

Virgil A. Garner being sworn and examined by Commissioner Needles testifies as follows:

Q What is your name? A Virgil A. Garner.
 Q What is your age? A About thirty years old.
 Q What is your post-office address? A Ramey, I. T.
 Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.
 Q Do you know Moses Parris? A Yes sir.
 Q Do you know Mary S. Parris? A Yes sir.
 Q What relation did they bear to each other? A She was his wife.
 Q How do you know? A They lived together.
 Q Did you know them to be married? A Yes sir.
 Q How long did they live together as man and wife for how long? A They lived together about seven or eight years.
 Q Did they live together until Moses Parris died? A Yes sir.
 Q How far did you live from them when you knew them? A I lived with them.
 Q How did you happen to be living with them? A I was living with them working for him.
 Q They were regarded in the neighborhood as man and wife? A Yes sir.

Examination by Charles H. Hastings:
 Q His name was also known as Moses Reddon? A He was enrolled in 1891 I think that way.
 Q His step-father was named Reddon? A Yes sir.
 Q Did he live with this woman as man and wife until his death? A Yes sir.
 Q When was his death? A About eighty-eight I reckon.
 Applicant re-called, and further questioned, - by Hastings:
 Q When did your former husband, Moses Parris, die? A He has been dead about nine years.
 Q How old is your youngest child? A He is going on nine years old.
 Q That child was not born when your husband died? A No sir.
 Q How long after his death until the child was born? A About four months.

Witness, Virgil A. Garner, re-called, and examined further:
 Q Do you know the youngest child of this woman? A Yes sir.
 Q Do you know how long after her husband's death before this child was born? A He died in April or May and the child was born in the fall.

Com'r Needles: Mrs. Armstrong, your application for enrollment as a citizen of the Cherokee Nation is refused, for the reason that under the act of Congress approved May 31st, 1906, Indian Appropriation Bill, this Commission has no authority whatever to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has never been enrolled or admitted as such; the law further provides that the decision of this Commission shall be final when approved by the Secretary of the Interior; the Commission will transmit to the Secretary of the Interior its decision in your case for approval when the final rolls are sent to him for consideration and approval.

And the name of Moses S. Parris being found upon the authentic roll of 1891 as indicated and identified according to page and number as indicated in the testimony, and it being averred by his widow, Mary S. Armstrong, that she was legally married to the said Moses S. Parris in the year 1895, and that he, the said Moses S., died about the year 1891, and that as a result of said marriage there were born three children, Ella M., Unie C. and Moses O., whose names are found upon the census roll of 1896, and they are fully identified as the children of Moses S. Parris and his wife Mary S. Parris, now Mary S. Armstrong; but no proof of marriage is presented as to their marriage; the said Ella M., Unie C. and Moses O. will be duly listed for enrollment as Cherokee citizens by blood when proper proof of

Mary S. Armstrong for self and children

harrago is presented to this commission.

...being first duly sworn, states that as stenographer to the ... the Five Civilized Tribes he reported the foregoing case on that the above and foregoing is a full true and complete transcript of his stenographic notes.

MD Green

Subscribed and sworn to before me this 17th of Aug. 1900.

A. H. ...

Commissioner.

~~Wm 34~~
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

V. 539 FILED

AUG 13 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

1900.

Date

Name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

PART OF THE INTER

OF THE TO THE PRES

FILED

AT 20 1901

Handwritten signature

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Probably lawfully married as citizen; but married out;
make rejected judgment stated.

Cherokee R 559

M

R-539

COMMISSION TO THE DISTRICT OF COLUMBIA

FILED

MAR 4 1902

[Signature]

ACTING CHAIRMAN.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Mary S. Armstrong, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 559, it is entitled Mary S. Armstrong, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C--R. 559.

(COPY)

Cherokee R 859

Muskogee, Indian Territory.

February 14, 1902.

Mary B. Armstrong,

Long, Indian Territory.

Madam:

On the 13th day of August, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1885 to one Mose O. Parris, a citizen by blood of the Cherokee Nation; That said Mose O. Parris having died. That you are not identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law,

enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It further appears from the testimony that subsequent to the death of the said Mose O. Parris, you married one Armstrong, a white man.

The rights of citizenship that you acquired by your marriage to Mose O. Parris were forfeited by your subsequent marriage to the aforesaid Armstrong, a white man.

The Cherokee law as applicable in this case is as follows:

Section 666: "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) _____

I. B. Needles

Special Agent in Charge

Commissioner in Charge.

Enclosure

Register.

FEB 1 1902

Chicago, Ill. v. 559.

Copy.

Refer in reply to the following:

Land.

11495-1902.

11723-1902.

11730-1902.

11731-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, March 21, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

Referring to office report of even date transmitting the record relative to 123 applicants for enrollment as citizens of the Cherokee Nation, there is enclosed, herewith, the record relative to 47 applicants for enrollment as citizens of said nation.

These applicants claim that they are entitled to enrollment as citizens by intermarriage. The Commission forwarded the record in each case with a separate report and said reports are also transmitted, herewith. The names of the applicants are as follows:

Number	Name	Number	Name
39	Araline Abel	42	Alfred B. T. Stewart
43	Martina A. Hunter	46	Edward E. Kump
47	Ivle Hall	52	Amie Nelson
56	Burford L. Sumnerhill	58	David Coff
64	Andrew J. Jeremiah	65	Joseph E. Ford
67	Charles G. Barnett	72	Henry Walters
84	William A. Hall	108	Ellen T. Hall
111	Missouri Williams	115	Daniel A. LaBarge
129	George B. Telf	131	Maria Roberts
145	Robert Means, Sr.	150	James T. Skinner

Number	Name	Number	Name
153	George H. Warren	166	William R. Stuart
176	George W. Gibbnay	240	Frank Corban
248	John Hunt	251	John F. Rice
254	Enos W. Parsons	262	Richard H. Campington
264	Lambert T. Kinhead	270	Ben Hall
272	Elizabeth Hall	293	William B. Wallace, Sr.
324	Silas T. Busby	357	Canada Youngblood
368	Edith Evans	423	Joseph A. Prather
425	Emily O. Hensley	438	Mary A. Jones
455	John F. Stevenson	458	Frank H. Garrison
467	Samuel W. Carpenter	475	Lillie Wood
483	Ed Gwartney	522	William J. Hawkins
544	Samuel H. Sweeton	559	Mary S. Armstrong
622	Malinda Latham		

Section 21 of the Act of June 28, 1898, (30 Stats., 495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such, intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee laws is as follows:

Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section governs the cases transmitted, herewith.

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequent to the death of said citizen husband or wife married citizens of the United States.

The Daves Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

7.

Department of the Interior,

Washington,

March 24, 1904.

M.H.D. 104-18.
D.M. 104-18.

... of ... are regarding
the application of ...
... you are advised that the application
of May 11, 1903, is ... as held by you in your
decision of February 11, 1903, because the forfeited ...
... death of her Cherokee husband,
with a person ... Cherokee Nation.

Very truly,
J. H. ...

...

18089.

F.

L.R.S.

J.P.

Department of the Interior,

Washington,

March 26, 1902.

I.T.D. 1804-1902.

D.O. 5507-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Mary S. Armstrong, R 559, is rejected, as held by you in your decision of February 14, 1902, because she forfeited her right to enrollment by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.M.D.

DEPARTMENT OF THE INTERIOR,

Washington.

I. T.D.1759-1902.

March 26, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 14, 1902, you transmitted the record in the matter of the application for enrollment of Adeline Abel as a Cherokee citizen by intermarriage-R 39.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1883; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1855 (see " Laws of the Cherokee Nation" published by the act of the National Council in 1898), provides:

" Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs March 21, 1908,
transmitting the case with others, recommended that your decision
be concurred in.

The claimant, as held by you, by virtue of the Cherokee law,
forfeited her rights to enrollment as a Cherokee citizen by inter-
marriage after the death of her Cherokee husband, with a person not
a citizen of the Cherokee Nation, and your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell.

Acting Secretary.

E. H. D.

1 inclosure.

Muskogee, Indian Territory, March 27, 1902.

Mrs. Mary E. Armstrong,

~~Adams~~, Indian Territory,

Dear Madam:-

The Commission is in receipt of your letter of March 23, 1902, relative to proof as to your marriage which you desire to submit in the matter of the application for the enrollment of yourself and children, as citizens of the Cherokee Nation.

In reply, you are advised that if the preacher who performed the marriage ceremony is not alive, you should have such witnesses as were present at the ceremony to appear before the Commission and testify as to your marriage.

Yours truly,

Commissioner in Charge.

1000 10, Bureau of Indian Affairs, April 10, 1902.

Mr. Wm. S. Appleton,

Box, Indian Territory,

Sir:

The enclosed report of the Commissioner of Indian Affairs of February 14, 1902, regarding your application for citizenship as a citizen of the United States is forwarded to you for the consideration of the Interior Department. The enclosed report is also forwarded to the Department of the Interior for its consideration.

Very respectfully,
Your obedient servant,
Richard L. Johnston.

Enclosure.

Cherokee-R-559

Muskogee, Indian Territory, April 10, 1902.

Mrs. Mary S. Armstrong,

Long, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of March, 1902.

Very respectfully,

Commissioner in Charge.

Register.

PKW

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-559.

ALLISON L. AYLESWORTH.
SECRETARY

A. L. AYLESWORTH
SECRETARY OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Mary S. Armstrong, Cherokee No. R. 559, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March, 1902.

Very respectfully,


Commissioner in Charge.

Cher R 560

Cher R 560

10-12-36

156

Department of the Interior.
Commission to the Five Civilized Tribes.
Muldrow, I. T., August 13th, 1900.

In the matter of the application of William Lafayette Fargo et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your full name? A William Lafayette Fargo.
Q What is your age? A 29.
Q What is your postoffice? A Muldrow.
Q What is your district? A Sequoyah.
Q For whom do you apply now for enrollment? A Myself and wife and sister.
Q Any children? A No sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Do you apply for your wife as a Cherokee by blood? A No sir.
Q Of course, you apply for your sister also as a Cherokee by blood? A Yes sir.
Q Are you on the roll of 1880? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How long have you lived in Sequoyah District? A All my life.
Q What is the name of your wife? A Emma Fargo.
Q What is her age? A 23.
Q When were you married to her? A January, 1900.
Q What is the name of your sister? A Cora Fargo.
Q What is her age? A 18.
Q Is her mother living? A No sir.
Q What was her mother's name in 1880? A Susan M. Fargo.
Q She's enrolled in 1880? A Yes sir.
Q From Sequoyah? A Yes sir.
Q When did she die? A Died in '84.
Q This sister lived in your family does she? A Yes sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
1880 roll: page 696, #493, Lafayette Fargo, Sequoyah Dist.
1880 roll: page 696, #492, Susan Fargo, (rkd. Choctaw) Seq. Dist.
1896 roll: page 1067, #520, Lafayette Fargo, Sequoyah Dist.
1896 roll: page 1067, #524, Cora Fargo, Sequoyah Dist.

Com'r. Breckinridge:

This applicant is duly identified on the rolls of 1880 and 1896 and he will be enrolled as a Cherokee by blood. His sister, Cora Fargo, is duly identified on the roll of 1896 and her deceased mother is identified on the roll of 1880 and she will be enrolled as a Cherokee by blood. His wife, Emma Fargo, a white woman, is shown by his testimony to have been married to him in January, of the present year. As this is subsequent to the Cherokee law of '95, prohibiting the acquirement of rights of Cherokee citizenship by intermarriage, she acquires no rights by the act of intermarriage, neither is she upon any of the rolls of the Cherokee Nation, therefore she comes under the provision of the Act of Congress, approved May 31st, 1900, the Indian Appropriation Bill, which provides that this Commission has no authority to receive, consider, or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such; hence, simply a memorandum will be made of the application of his wife.

Edward G. Rothenberger, being duly sworn by Commissioner Breckinridge as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, William Lafayette Fargo, and that the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 13th day of September, 1900.

Commissioner.

Memorandum

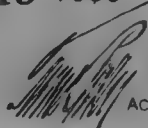
B

Q 510

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 13 1900



ACTING CHAIRMAN

Date August 13 1968

Name _____

District _____

Citizen by blood	Mother's citizenship
------------------	-------	----------------------	-------

Intermarried citizen

Married under what law Date of marriage.....

License Certificate 027

23
Wife's name Emma Fargo Kuntz

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship *1/2*

Intermarried citizen *yes*

Married under what law..... Date of marriage Jan. 1, 1905.....

License _____ Certificate _____

Names of Children:

Dist. 1 Year 1900 Page 1 No. 1 Age 1

Dist. Year Page No. Age

Dist. C Year 1900 Page 1 No. 1 Age 1

Dist. 1 Year 1 Page 1 No. 1 Age 1

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist..... Year..... Page..... No. ~~5~~ Age.....

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

THE INTER
OFFICE
RECEIVED
JUN 20 1961

COMMISSIONERS:

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

On no roll; married in 1900; make rejected;

Judgment stated.

R 560

18.5.60

REVIEWS

MAR 2 1902

© 1994 CLAIMER

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings in the matter of the application for enrollment as a Cherokee citizen of Emma Fargo, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and sixty, it is entitled Emma Fargo, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Acting Chairman.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE No. R. 560

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Exams. Charge,

Muskogee, I. T.

Dear Madam:

On the 13th day of August, 1902,

your husband, William Lafayette Waffo,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were

married ~~under~~ in ~~xxxx~~ the year 1900, to one William Lafayette

Fargo, a citizen by blood of the Cherokee Nation, ~~that you had~~

~~that you had~~ that you are not

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.

Assistant Chairman.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of Emma J. Mayo for enrollment as citizen of the
Cherokee Nation.

Cherokee No.

2560

W. M. Hastings
JCS
Attorney for Cherokee Nation.

U. S. DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WASHINGTON, D. C.
JUL 1 1932

ACTING CHAIRMAN

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2154-1902
D. C. 6010-1902.

April 3, 1902.

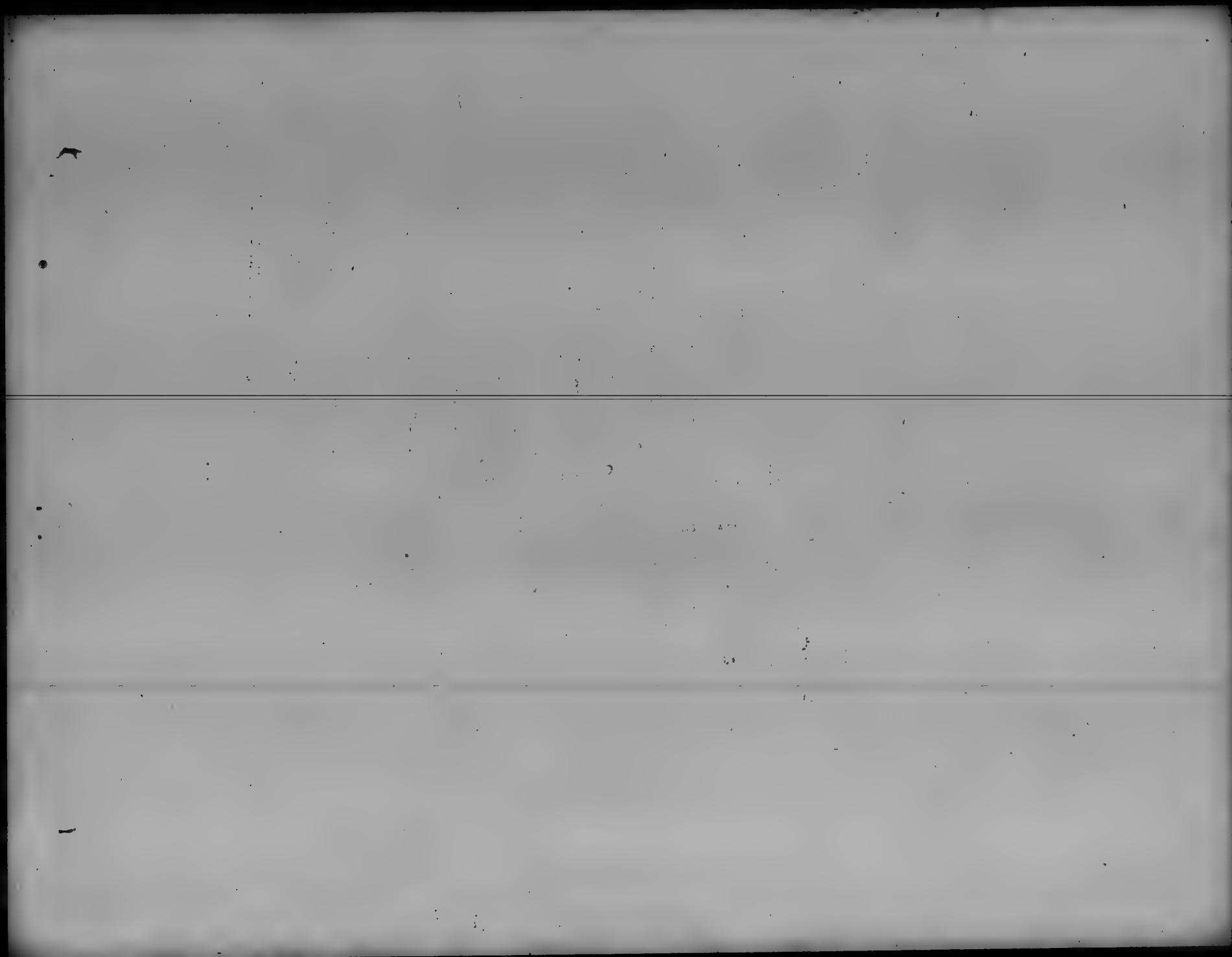
Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment ~~as an intermarried citizen of the Cherokee Nation, you are advised~~ that the application of Emma Fargo, R 560, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

1902

ACTING CHAIRMAN

Cherokee R-560

Muskogee, Indian Territory, April 17, 1902.

Emma Fargo,

Muldrow, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-560.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of ~~Espa~~ Farge, Cherokee No. R 560, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 561

Cher R 561

172-10-1-7

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 21 1900



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 14, 1900.

In the matter of the application of Bryant Wincoed Briley for the enrollment of himself as a Cherokee by intermarriage, and his wife and children as Cherokees by blood: being sworn and examined by Commissioner Breckenridge, he testified as follows:

- Q What is your full name? A Bryant Wincoed Briley
Q What is your age? A 27.
Q What is your post office? A Maple.
Q What is your district? A Sequoyah.
Q For whom do you apply to have enrolled at this time? A Myself and family.
Q Your wife and children? A Yes, sir.
Q How many children? A 3.
Q Do you apply for yourself as a Cherokee by blood? A No, sir.
Q Do you apply for your wife as a Cherokee by blood? A Yes, sir.
Q What is your wife's name? A Tennessee Victoria Briley.
Q How old is she? A 18.
Q What was her name before you married her? A Wright.
Q When were you married? A In 1897.
Q Have you got a certificate or license of marriage? A No, sir, I haven't, I can't get it at all, I tried to but I couldn't get it.
Q Is your wife on any of the rolls of the Cherokee Nation? A She is on the last one, 1896.
Q Is she on the roll of 1894? A Yes, sir.
Q She drew strip money? A Yes, sir.
Q How what was her mother's name? A Lizzie Wright.
Q Is she living or dead? A She is living.
Q Is she on the roll of 1880 as a Wright? A Yes, sir.
Q Give me, please, the names of your children? A William Bennett.
Q How old is that child? A 23 months.
Q What is the name of the next child? A Nettie May, 12 days old.
Q These children are both living, are they? A Yes, sir.
Q You are not on any roll of the Cherokee Nation? A No, sir.
Q You apply for enrollment only through your marriage to your present wife? A Yes, sir.
Q How old is Lizzie Wright now? A I don't know how old she is.
Q Who would be the head of her family? A Frank Wright.
Q Was your wife a Wright when the strip payment was made? A Yes, sir.

(Lizzie Wright on 1880 roll, page 492, No. 2029, Lizzie Wright, Going Snake district. On 1894 roll, page 604, No. 1968, Elizabeth Wright, Flint district. Tennessee Victoria Briley on 1896 roll, page 709, No. 1892, Victoria T. Wright, Flint district.)

- Q Have you any neighbors here who know that you and Tennessee V. Wright were married and are living together as husband and wife?
A Yes, sir.

John Franklin Wright, being sworn and examined by Commissioner Breckenridge, testified as follows:

- Q What is your name? A John Franklin Wright.
Q What is your age? A 48.
Q What is your post office? A Maple Springs, I. T.
Q Are you the father of Tennessee V. Wright, who is said to have married this applicant here, Mr. Bryant W. Wright Briley? A Yes, sir.
Q Were they married at your house? A No, sir, they were not married at my house, they were married about two miles from my house.
Q Were you present at the wedding? A No, sir, I went and gave my permission to the marriage, she was under age.
Q About how long since they were married? A About 3 years.
Q And have they been living together ever since as husband and

Bryant Winford Briley - 2.

wife? A Yes, sir.

Q Is your wife the Lizzie Wright who was identified on the roll of 1880 in Going Snake district? A Yes, sir, I lived in Going Snake district.

Q And she is the mother of this present Mrs. Briley? A Yes, sir.

Bryant W. Briley, recalled, testified as follows:

Q Now Mr. Briley, has your wife been living in the Cherokee Nation all her life? A Yes, sir.

As regards the application that Bryant Winford Briley makes for his own enrollment, he testified that he was married in 1897, that he is a white man, and he is not upon any of the rolls of the Cherokee Nation. As his marriage was too late for him to acquire rights as a Cherokee citizen by intermarriage, it having taken place after the well known law of 1895 on that subject, and as he has not been upon any roll of the Cherokee Nation, and has never been admitted by any action of the Cherokee authorities, he comes under the provisions of the Act of Congress approved May 31, 1900, the Indian Appropriation bill, which stated that this Commission has no authority to receive, consider or make any record of any application for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain such an application shall be final when approved by the Secretary of the Interior. Therefore, this Commission has no jurisdiction over the application, but it will transmit this decision affecting your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of the citizens of the Cherokee Nation are sent to him for consideration and approval. A memorandum will be made of his application for himself.

Now as regards the application he makes for his wife, Tennessee V. Wright, she is duly identified on the roll of 1880, she has lived in the Cherokee Nation all her life, her mother is identified on the roll of 1880, and the pay roll of 1894, and she was born since 1880. Her change of name from Wright to Briley is accounted for by satisfactory testimony as to her marriage, and she will now be enrolled as a Cherokee by blood. The two children, William Waret and Nettie May, both now living, are too young to be on any of the rolls of the Cherokee Nation, but when this Commission is supplied with duly authenticated certificates of the birth of these two children, then they too will be enrolled as Cherokees by blood.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 21st day of August, 1900.

A. B. ...

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 14 1960

ATLANTA, GEORGIA

Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION

Date August 1 - 1900

Name James Earl Ray

District . . . 6 Year Page No.

Citizen by blood **Mother's citizenship**

Intermarried citizen Yes

Married under what law Date of marriage.....

License _____ Certificate _____

Wife's name _____

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law..... Date of marriage.....

License Certificate.....

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. Year 1900 Page 1 No. 1 Age

Dist. Year Page No. 5 Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page..... No..... Age.....

Dist. Year Page No. Age

Dist. Year..... Page..... No..... Age.....

Dist. Year Page No. Age

STATEMENT OF THE INTER

GOVERNMENT TO THE UNITED STATES

DECEMBER 1901

JAN 20 1901

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

On no roll; married in 1897; male rejected;

judgment stated.

Cherokee R 561.

CA

JAN 31 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Bryant W. Briley, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and sixty-one, it is entitled Bryant W. Briley, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-561.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory January 28 1902.

Bryant M. Briley,

Maple, I. T.

Dear Sir:

On the 14th day of August, 1902.

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that **you were**

married on the ~~xxxx~~ **in xxx the year 1897**, 190 , to one **Tennessee Victoria**

Wright

a citizen by blood of the Cherokee Nation, ~~Cherokee Nation~~

~~xxxxxx~~ have lived together continuously since your marriage, that you are **not**

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of **yourself** as an intermarried citizen of the Cherokee Nation has this ~~day~~ been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to **you** as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By **(Signed) Tams Bixby,**
Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW
D

273 inclosures.

12965.

R.

I. T. D. 884-1902.
D.O. 3472.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

February, 28. 1902.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Bryant W. Briley, R. 561, for enrollment as a citizen of the Cherokee Nation by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 333.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 561.

Muskogee, Indian Territory, March 14, 1902.

Bryant W. Briley,

Maple, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REF IN REPLY TO THE FOLLOWING

Cherokee R-561.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Bryant W. Briley, Cherokee No. R. 561, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cher R 562

Cher R 562

Mem

6038

DEPARTMENT OF THE ARMY
COMMISSION TO THE FUTURE

FILED

SEP 12 1960

REJECTED for lack of jurisdiction.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 14, 1900.

In the matter of the application of Arthur F. Faulkner for enrollment as a citizen of the Cherokee nation, said Faulkner being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Arthur F. Faulkner.
Q Your age? A 33.
Q Your postoffice? A Fort Smith, Ark.
Q In what district do you live? A Sequoyah.
Q Whom is it that you want to have enrolled at this time? A Just myself.
Q Do you apply as a Cherokee by blood? A No sir.
Q Intermarriage? A yes sir.
Q Is your wife dead? A yes.
Q What was your wife's name? A Luwena Bengo.
Q When did she die? A '98.
Q How old was she when she died? A About 17 or 18 years old.
Q When were you married to her? A In July '97.
Q You are not upon any of the rolls of the Cherokee Nation? A No sir

This applicant is shown to have been married by his testimony on '97. This is after the passage of the Cherokee law of '95 repealing all former law that permitted the enrollment of Cherokee citizens by intermarriage. The applicant is held, therefore, not to have been admitted in any manner to citizenship by the Cherokee authorities. Neither is his name to be found upon any roll of the Cherokee Nation. Therefore he comes under the provision of the Act of Congress approved May 31, 1900, the Indian Appropriation Bill, to the effect that this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain such application shall be final when approved by the Secretary of the Interior. The Commission will transmit this decision accompanying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of the citizens of the Cherokee Nation are sent to him for consideration and approval. This will go upon a memorandum as rejected for lack of jurisdiction.

The undersigned, being first duly sworn, states as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above named case, and that the foregoing is a full, true and complete transcript of his stenographic notes thereof.

Brown Meadows

Subscribed and sworn to before me this 4th day of September, 1900.

A. B. Breckinridge

Commissioner.

Memorandum

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 15 1900

[Signature]

ATX:GAM

CHEROKEES BY BLOOD AND ADOPTION.

Date August 15th 1900.

33
Name Arthur F. Faulstich, Ft. Smith, Ark.

District	Year	Page	No.
----------	------	------	-----

Citizen by blood **Mother's citizenship**

Intermarried citizen *file*

Married under what law Date of marriage, July 29, 1909

License _____ **Certificate** _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship

Intermarried citizen ..

Married under what law _____ Date of marriage _____

License Certificate

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. 1 Year 1900 Page 1 No. 1 Age 1

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. Year..... Page..... No..... Age.....

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

DEPARTMENT OF THE INTERIOR
COMMISSION ON TO THE PUBLIC LANDS

1911 12 10 10

JAN 20 1901

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

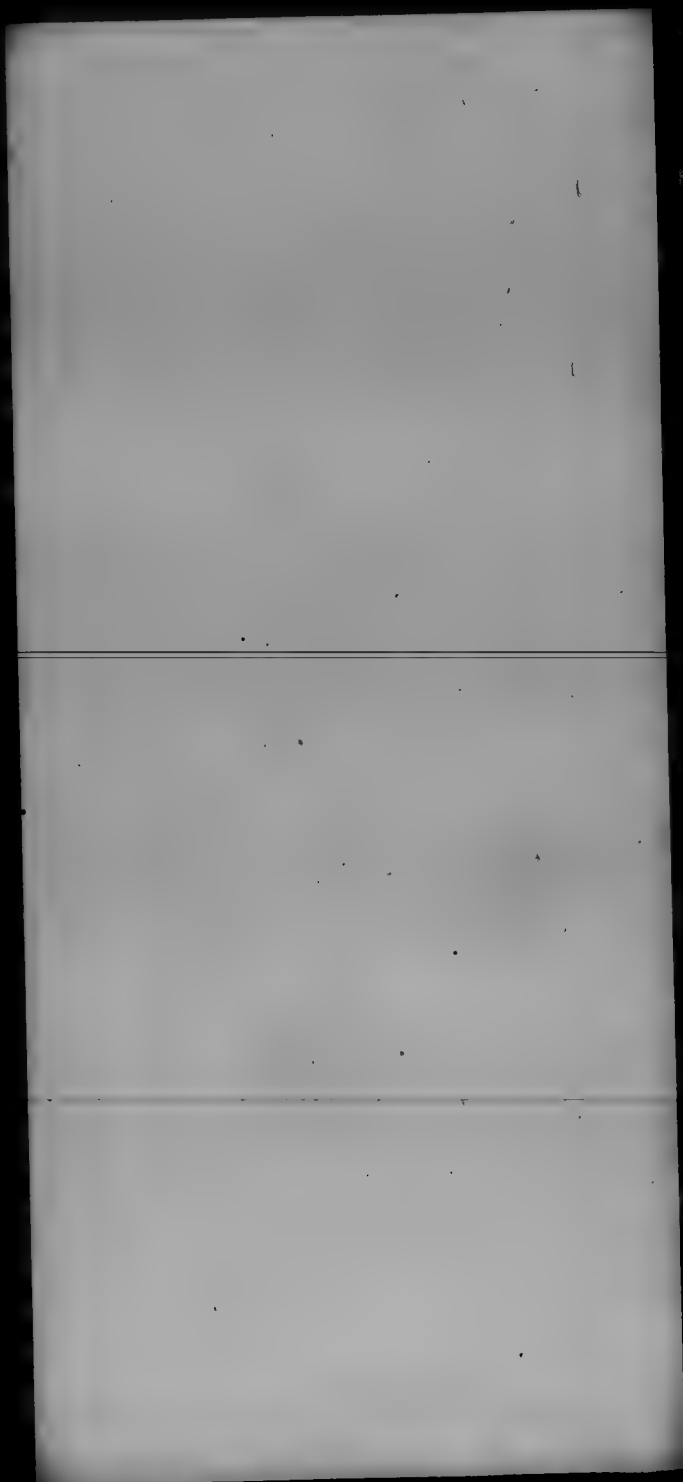
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

On no roll; married in 1897; name rejected; judgment
stated.

Cherokee R 562.



Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Arthur F. Faulkner, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

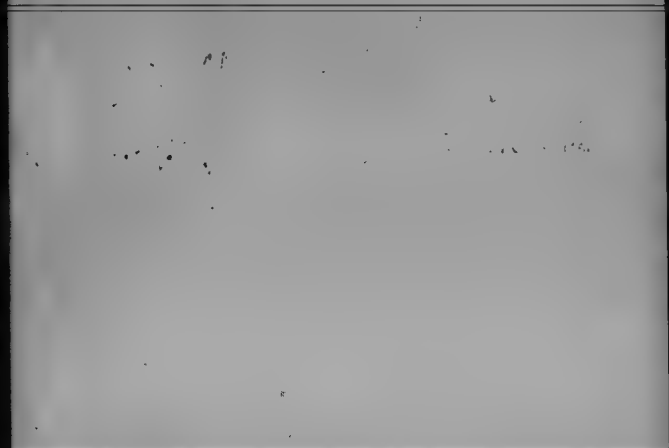
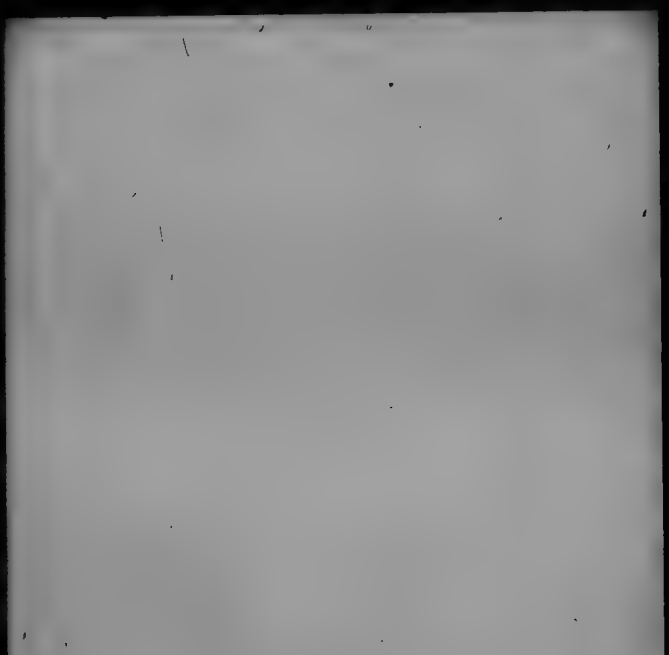
This application will be found in said decision as number R. five hundred and sixty-two, it is entitled Arthur F. Faulkner, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-562.



COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.....January 28.....1902.

Arthur V. Faulkner,

Ft. Smith, Arkansas.

Dear Sir:

On the 24th day of August, 1900,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself
as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were

married ~~with~~ in ~~March~~ July, 1897, 190, to one Luwena Benge,

a citizen by blood of the Cherokee Nation, ~~that you and your~~

~~have been together continuously since your marriage,~~ that you are not

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * *

In view of the law and testimony in this case the application for the enrollment of

yourself? as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tame Birby,
Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1802.
7272-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

CAW
D

273 inclosures.

12965.

R.

I. T. D. 885-1902.
D. C. 3473.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Arthur F. Faulkner, R. 562, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 333.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 563.

Muskogee, Indian Territory, March 14, 1902.

Arthur F. Faulkner,

Fort Smith, Arkansas.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-562.

ALLISON L. AYLESWORTH.
SECRETARY

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Arthur F. Faulkner, Cherokee No. R. 562, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Brackinridge.

Commissioner in Charge.

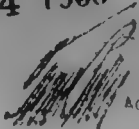
Cher R 563

Cher R 563

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 24 1900

 ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bulldrov, I.T., August 15, 1900.

In the matter of the application of Rebecca Bengé for the enrollment of herself by intermarriage and her children as Cherokees by blood; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Rebecca Bengé.
Q How old are you? A 25 years old age.
Q What district do you live in? A Sequoyah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, an adopted citizen.
Q How long have you lived in Sequoyah district? A 9 years.
Q Where did you live before that? A I lived here at Webbers Falls.
Q How long have you lived in the Cherokee Nation? A 18 years.
Q Continuously? A Yes, sir.
Q For whom do you apply for enrollment? A Why my children.
Q Do you apply to enroll yourself? A Yes, sir, myself and two children.
Q What was your father's name? A P. B. Long.
Q Is he living? A Yes, sir.
Q Is he a non citizen? A Yes, sir.
Q What was your mother's name? A Her name was Pernecie.
Q Was she a non citizen? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Thomas L. Bengé.
Q Is he a citizen of the Cherokee Nation? A Yes, sir.
Q Is he living? A Yes, sir.
Q A citizen by blood? A Yes, sir.
Q What is your father's name? A P. B. Long.
Q What is his father's name? A Bill Bengé.
Q Is William Bengé living? A No, sir.
Q When did he die? A I can't tell you just when he died.
Q Did he die after 1880? A I reckon so, he died just beofre me and Thomas were married.
Q When were you married? A In 1892.
Q What is Thomas' mother's name? A Lizzie.
Q Is she living? A Yes, sir.
Q Have you any certificate of marriage? A No, sir.
Q Any proof of marriage? A Yes, sir.
Q When were you married? A In 1892.
Q Who by? A By Preacher Jordan.
Q Where is he? A He is dead.
Q Did he give you any certificate? A No, sir.
Q Where is your husband? A He is in the penitentiary.
Q He can't come here to-day, can he? A No, sir.
Q Do you want to enroll him? A Yes, sir.
Q Have you any children? A Yes, sir.
Q What are the names of your children? A Pearl Jane, 8 years old.
Q What is the name of the next one? A William, he is 4, he will be 4 in February.
Q What is the name of the next one? A Moses Morton.
Q How old is Moses Morton? A He is 2 years old.
Q His name Moses Bengé or just Moses Morton? A I have got two of Bengé's children.
Q How long was Bengé sentenced for? A Five years.
Q How long has he been in the pen? A Two years.
Q Who here knows that you were married? A Seabolt and Bill Beal.
Mr. W. W. Hastings, representative of the Cherokee Nation: How long did you and Thomas Bengé live together as husband and wife?
A We lived together two years before we were ever separated.
Q After you were alleged to have been married? A After we were married.
Q Who else was present when you were married except the preacher

Rebecca Benge - 2.

and Toy Seabolt? A Holley Benge, Ben Seabolt, Dave Benge, and Mollie Seabolt.

Q When were you and Tom married? A We were married in 1892.

Q What time in the year 1892? A February 21.

Q When was your first child born? A It was born the 19th day of the next January, the January following the year year from that; we were married in 1892, and she was born in 1893.

Q Did you ever have any children prior to this? A No, sir, I never did.

Q When was the next one born? A He was born, I don't know, he was born in February, but I forget which year.

Q Don't you know how old he is? A He was four years last February.

Q Then it was born in 1896? A Yes, sir.

Q Then you lived with him in 1896? A Yes, sir.

Q Then the oldest one is not his child? A I stated I lived with him that long before there was any separation, and he taken another woman and run off with her.

Q This second child is not his child? A Yes, sir, this child is his child.

Q What time in 1896 was this second child born? A In February.

Q What date? A February 10.

Q Now you and him separated when; two years after you were married? You were married, as you stated, February 21, 1892, and according to your statement by February, 1894, you separated? A Yes, we separated along about that time, we lived together about 2 years.

Q Then in February, 1896, this second child was born? A Well, I stated that he taken her and lived with her a while and came back and lived with me.

Q You were not living with him all the time? A No, sir, I wasn't.

Q Who were you living with? A I was living with my mother.

Q Have you married since; have you had any children since? A I don't know what its name is.

Q How do you know this second child's name? A Because I know its name.

Q Haven't your habits been about the same since you separated from that man? A I said I had two children by Benge.

Q You are positive about that, but you are not positive about the third child?

Commissioner Needles: A How long did he stay with you when he came back? A He stayed with me eight months and quit me and taken another woman again, and then was back to my house when he was taken up.

Mr. Hastings: Did you live continuously with him as your wife immediately after you married him, say in February, 1892, did you live all the time from that time on for two years as husband and wife?

A Yes, sir.

Q Continuously? A Yes, sir, certainly he did.

Q You know whether he stayed with you all the while or whether he quit you backwards and forwards? A He wasn't with me at home all the time.

Q Where did you live? A I lived part of the time at Dave Ross' and he sold out and we came back and lived with his mother.

Q Were you known and regarded and accepted in the neighborhood as his wife all the time? A Yes, sir, I was.

Q And he made your place wherever you was his home for two years?

A Yes, sir.

Q How long during that two years did he live separate and apart from you, about how long would he be gone any time? A Two or three weeks and a month.

Q Where would he be gone? A I don't know where he would be gone.

Q Did you know anything about his business? A If he ever had any I can't tell you.

Q Do you remember when Mr. Faulkner took the census in 1893? A Well I remember it.

Q Do you remember having a conversation with him about your mar-

Rebecca Benge - 3.

riage to Tom Benge at that time? A I believe I do.

Q Did you tell him then that Tom Benge lived with you about a week?

A If I did, I don't recollect it.

Q Isn't that a fact? A No, sir, it isn't, I can't say that I told the man any such thing

Q You say you didn't tell him? A Yes, sir, I didn't tell Mr. Faulkner any such.

Q Was Tom Benge there that day when he was there? A Yes, sir.

Q Did he recognize you there that day as his wife? A He did for a fact, but he wouldn't enroll the child.

Q Wasn't you and Tom Benge present before Mr. Faulkner, who was the census taker at that time, and in your presence didn't he deny that that was his child? A Why he might have denied it.

Q State whether or not he did in your presence? A He didn't in my presence, I don't know whether he did to Mr. Faulkner.

Q Was there any dispute about it at all? A He wouldn't enroll the child. A

Q Who wouldn't? A Tom..

Q Why? A I don't know, he never enrolled the children until the payment.

Q Why did he refuse to enroll it at that time, what reason did he give? A He just said he wouldn't enroll it, and that is all the reason he ever gave to me.

Q Did he acknowledge you as his wife at the time? A Yes, sir; if you don't think he acknowledged me there is papers from him since he was sent to the penitentiary.

Q What was he sent to the penitentiary for? A Horse stealing.

Q You ever married before you married to Benge? A No, sir.

Q Never lived with anybody as your husband? A No, sir, I didn't.

Q How long have you been living in this country, in the Sequoyah district? A I have been in Sequoyah district about 18 years.

Q Father and mother live here? A My father does, my mother is dead.

Q Now when Mr. Faulkner was here taking the census, were you and Tom living together as husband and wife? A Yes, sir.

Q That was in 1893? A Well, we were living together as husband and wife.

Q And yet when you went over to enroll the child that was born to you while you were living with him as his wife, he declined and refused to enroll it, the father did? A Yes, sir.

Q Was Tom ever married before he married you? A No, sir, he wasn't, he has been married twice since.

Q Was he living with a woman at the time he married you? A No, sir, he wasn't, he was living with his mother when he and him was married.

Commissioner Needles: How about this proof of marriage, who can you prove your marriage by? A I can prove it by Toy Seabolt or Ben Seabolt.

Q Where is he? A He is out in the crowd somewhere.

Q Well, you have got no proof of your marriage here at all, so I don't see what we can do.

Mr. Hastings: Is your husband kin to Rhoda Benge? A Yes, sir.

Commissioner Needles: What district would you be in in 1896.

A In Sequoyah.

(The name of the applicant not found on roll of 1896)

Q You were not enrolled in 1896? A No, sir.

Q Did Tom Benge draw the money for these children? A No, sir, I drew it myself.

Q Where did you draw it? A In Tahlequah district.

Q You are sure you drew the money in Tahlequah in 1894? A Yes, sir.

Q Was your child's name always Pearl? A Yes, sir, Pearl Jane.

Q Did you ever call her Jane? A No, sir.

Q Did you give it in by the name of Benge? A Yes, sir.

Q Did you ever call it anything but Benge? A No, sir, I never

Rebecca Benge - 4.

called it anything but Benge.

Q - Mrs. Benge, neither you nor any of your children are found upon the roll, there is no proof of your marriage. A Well I can get proof, Mr. Seabolt knows that we were married and married lawfully, and he said he would be here to-day.

The name of Rebecca Benge not being found upon any of the rolls of the Cherokee Nation in the possession of the Commission, nor the name of her children for whom she applies, Pearl, William and Moses Horton, their names not being found upon any of the rolls, her application for enrollment as a Cherokee citizen by ~~mixed~~ intermarriage, and the application for the enrollment of her children as Cherokees by blood, is rejected, she presenting no proof whatever of her marriage to Thomas L. Benge, whom she claims to be her husband.

-----O-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 23rd day of August, 1900.

C. M. [Signature]
Commissioner

to the Commission to the five classified types be correctly recorded
 Bruce C. Jones, being only known, says that as stenographer

you, I left to go first.
 at home, you marriage certificate with your wife Rebecca;
 the Commission a marriage certificate, you say you have that
 Commission: It will be necessary for you to file with

to file matters. A no, sir.
 Commission: Nothing else you want to state, Mr. Berle, in regard
 except.

Q How long did you live with the third one? A 11 months just
 two or three weeks, somewhere about there.

A second woman, after that, I know.
 name from last December: how long did you live with this second
 Q You didn't live with the defendant in 1881: that was 38

the fifth of either one of them.

I don't remember the date of
 Q You don't remember the date of the birth of Rebecca. A No, sir.

I don't remember, I don't remember what month it was.

Q Now you, I know, were living with her. A No, sir.

when it was in Germany.

when you were married.

Mr. Hastings: Don't you remember you commenced living with
 six months? A Somewhere about there.

DEPARTMENT OF
 COMMISSION TO THE

FILED
 2

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 24, 1901.

In the matter of the application of Rebecca Bengé et al. for
enrollment as Cherokee citizens.

Supplemental testimony on behalf of the applicants.

Appearances:

Applicant present in person;

W. V. Hastings and J. L. Baugh, Cherokee representatives.

THOMAS LEROY BENGÉ, being duly sworn and examined by commis-
sioner Needles, testified as follows:

- Q What is your name? A Thomas LeRoy Bengé.
Q What is your age? A 33.
Q What is your postoffice address? A Long.
Q Do you apply for the enrollment of your wife; what is her name?
A Rebecca Bengé.
Q And two children? A Yes, sir.
Q Pearlle and William? A Yes, sir.
Q Are you the husband of the Rebecca Bengé that applied to be
listed for enrollment on the 15th day of August, 1900, at Muldrow?
A Yes, sir, I am.
Q When were you married to her? A 1892.
Q Have you any certificate of your marriage, or proof? A I have
at home.
Q Got none present? A No, sir, none present.
Q How long did you live with your wife; are you and her living
together now? A No, sir.
Q Well, are you divorced from her? A No, sir.
Q You are separated? A Yes, sir.
Q Well if you are separated from your wife, what interest have
you got in her enrollment as a citizen; why do you apply for her?
A Because I think she is entitled.
Q She was a white woman, was she? A Yes, sir.
Q You say you were married to her in 1892? A Yes, sir.
Q How long did you live with her? A Well I declare I don't know;
about 12 months.
Q How many children did you have born to you while you were living
with her? A Didn't have any, but had one shortly after we parted.
Q What was its name? A Pearlle.
Q When was Willie born, for whom you apply? A I declare I don't
remember.
Q How old is Willie? A Five years old, about somewhere along
there.
Q Well Willie was born after you and her separated? A Yes, sir.
Q How long after you separated was Willie born? A Well I declare
I can't tell that either.
Q About how long? A Oh somewheres along two or three years.
Q You were not living with her as your wife at that time? A No,
sir, were not keeping house.
Q How long after you were married was Pearlle born? A About
eighteen months.
Q Were you living with her when Pearlle was born? A No, sir.
Q How long had you been separated from her when Pearlle was born?
A Just a short time.
Q You claim then that Pearlle is your child by your wife Rebecca
begotten during the time you were living with her as husband, do you?
A Yes, sir.
Q Have you any divorce from your wife? A No, sir.
Q Have you ever married since you and she separated? A Yes, sir.

Q How many times have you been married since you and your wife, Rebecca, separated? A Twice.

Q Has your wife Rebecca ever married since? A No, sir.

Q Were you ever divorced from your wife Rebecca? A No, sir.

Q Never have, but have been married twice since? A Yes, sir.

Mr. Hastings: When did you marry the first time after you left Rebecca? A That is too hard for me.

Q About how long? A Somewhere about three or four years, I forget just exactly when.

Q You know when you married Rebecca; now why is it you can't remember your next marriage? A Didn't have any record of it.

Q Where have you been for the last three or four years? A Kansas, I have been in the penitentiary.

Q What for? A Larceny.

Q What penitentiary? A Fort Leavenworth, Kansas.

Q When did you get back? A Last December.

Q How long had you been up there? A Stayed up there 28 months.

Q And after you quit Rebecca you married twice and you say you don't know how long it was before you married the first time or the second time either? A No, sir.

Q About how long? A No, sir; well, it was about three or four years I married the first time.

Q Well Mr. Dave Faulkner took the census in 1893 preparatory to making the roll? A Yes, sir.

Q And you went up before him? A Yes, sir.

Q And you declined to enroll this oldest child then and there, didn't you, Pearlle? A I tried to enroll it and he wouldn't let me, he wouldn't allow it.

Q Didn't you tell Mr. Faulkner it wasn't your child? A I did not.

Q Mr. Dave Faulkner, D. M. Faulkner? A I know who you are speaking about, no, sir, I didn't, I never did tell anyone that, no living person.

Q Well, didn't you decline to enroll it, didn't you refuse to enroll it in 1893? A No, sir, I tried to enroll it and he wouldn't let me.

Q Well, what was said about it? A I don't remember now just exactly, I know he claimed it wasn't a lawful child some way.

Q Didn't you claim it too? A I claimed it was.

Q Before Mr. Faulkner? A Me and him had quite a racket over it, both got mad at the time.

Q Well you didn't enroll it anyhow? A No, sir.

Q You didn't bring your certificate of marriage up there before Mr. Faulkner? A No, sir, I wouldn't have showed him nothing, I got mad at him.

Commissioner: Why did you separate from your wife? A Well, I held up my hand to tell the truth didn't I? Well simply because I got jealous of her, that was it.

Q She didn't leave you? A No, sir, I left her.

Q You contend that Pearlle is your child? A Yes, sir, I claim her.

Q She was born some eighteen months after you and your wife separated? A Yes, sir.

Q Do you know a child names Moses, of hers, a child of your wife's named Moses Morton? A Yes, sir.

Q Do you claim to be the father of that child? A No, sir, I don't.

Q Well as I understand you now, you claim that Pearlle, who is the oldest child - is Pearlle the oldest? A Yes, sir.

Q That Pearlle was born shortly after you left your wife; how long did you live with her? A Some nine or ten months.

Q Now how long after you left her was Pearlle born? A I don't know how long it was, it was shortly afterwards though.

Q A year? A No, no, hardly a year, I don't think.

Q Six months? A Somewhere along there.

Mr. Hastings: Don't you remember when you commenced living with her, when you were married, this first woman? A If I am not mistaken it was in February.

Q Now don't you know when you quit living with her? A No, sir, I don't remember, I don't remember what month it was.

Q You don't remember the date of the birth of Pearlle? A No, sir, I don't, of either one of the children, I don't remember the date of the birth of either one of them.

Q You claim you went to the penitentiary in 1897; that was 28 months from last December; how long did you live with this second wife, or second woman, after you left Rebecca? A I don't know, two or three years, somewhere along there.

Q How long did you live with the third one? A 11 months just exactly.

Commission: Anything else you want to state, Mr. Bengé, in regard to this matter? A No, sir.

Commission: It will be necessary for you to file with the Commission a marriage certificate, you say you have that at home, your marriage certificate with your wife Rebecca; don't fail to do that.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of September, 1901.

C. R. Buckinridge

Commissioner

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarbrough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayett D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadbush	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McAmish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Embersen M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612

William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Etin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Teece	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldridge	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Seudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210
Sarah A. Fields	10214
Susie Henderson	10216
Charles H. Rienhardt	10218
William H. Watkins	10221
Frank M. Rueker	10222
Henry C. Reed	10224
Laura B. Timberlake	10226
George A. Brown	10228
Drucilla Lowrey	10232
Almira Mouse	D 9
Lenora Prather	D 16
Andrew M. Cooter	D 17
Martin L. Stokes	D 28
Peter Walters	D 44
Columbus M. Reeves	D 58
Sarah Barnes	D 103
George T. Kiddy	D 108
Henry C. Agent	D 139
Joseph Phipps	D 147
Henry Hilton	D 149
David A. McGlamery	D 161
Maggie Doublehead	D 169
Annie Lovett	D 180
Nora Hood	D 184
John A. Johnson	D 232
Nathaniel G. Simpson	D 242
Oncico W. Head	D 244
Etta Taylor	D 245
Susan V. Sullivan	D 262
Levi H. Tackett	D 263
William H. Connelley	D 264
Julia A. Sullivan	D 284
May Fields	D 297
Katie Hummingbird	D 308
William F. Sager	D 320
Lovick P. Garrison	D 334
Henry Grubb	D 338
Lucy F. Lacey	D 340
Callie Blevins	D 341
James S. Alfrey	D 355
Shadrack C. Wallen	D 368
Ada Hall	D 376
Jane M. Hicks	D 396
Fannie L. Dupree	D 403
Willis Battles, Jr.	D 404
Joshua W. Ellis	D 413
Nina B. Owen	D 450
John M. Ridenour	D 458
Emery S. Thompson	D 464

Joseph Reed	D 468
Adolphus J. Hallum	D 483
Alexander Walker	D 490
Albert J. High	D 491
America Matoy	D 501
Moses L. Grazier	D 503
Myrtle Hall	D 509
Wallace Thursday	D 544
Thomas W. Baker	D 546
Mattie E. Keys	D 550
William S. Edwards	D 560
Susan L. Reed	D 572
William H. Lyman	D 574
Gracia Davis	D 577
Edward C. Bolen	D 582
Dora Guthrie	D 585
Samuel H. Hawkins	D 594
Lula M. Purcell	D 600
Ben Estes	D 603
Thomas M. Reynolds	D 621
Arthur Dodge	D 622
Carrie L. McNair	D 624
Constantine N. Walker	D 641
Joseph Davis	D 648
Leander A. Keys	D 650
James J. Barndollar	D 655
Nathan J. Brink	D 682
William S. Miles	D 688
Emma Waybourn	D 698
Dora E. Rogers	D 708
James W. Turley	D 709
Lizzie Ward	D 711
Robert J. Holly	D 713
Belle I. Quinton	D 728
Francis M. Boothe	D 734
Amos W. Lord	D 746
Agnes N. Childers	D 749
John E. Renfrow	D 752
William Coon	D 759
Louis Bruere	D 779
Georgia A. Waybourn	D 786
Eliza Fields	D 787
William H. Brown	D 788
William A. Cox	D 793
Charles A. Robison	D 799
Artha Williams	D 800
Adam Gearhart	D 806
Cicero F. Rogers	D 855
Annie Garrett	D 856
George S. Yarborough	D 875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319

Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Luc Fish	D 3081	Della Baldridge	R 105
Horace Gray	D 3082	Samuel Richey	R 107
Lula Pack	D 3083	Malissa Fields	R 144
Lelia C. Harris	D 3084	Fred Zimmerman	R 220
Thomas Jones	D 3086	Ella Anspach	R 241
Benjamin Laws	D 3088	Michael R. Mizer	R 266
Martha Spade	D 3092	Belle A. Powell	R 352
Julian Wyrick	D 3093	Austin L. Hill	R 420
Samuel Harlan	D 3157	Mary L. Dudley	R 439
Lizzie Phariss	D 3171	Stephen Hazlett	R 465
Jack Michael	D 3172	Mary A. Payne	R 484
Sarah E. Davis	D 3176	Rebecca Benge	R 563
Grace Guthrie	D 3181	Sarah Wilson	R 613
Mary E. Thornton	D 3183	Dora Crane	R 628
Mamie Thompson	R 4	Andrew Sitrell	R 642
Jimmie G. Thompson	R 5	John Sitrell	R 642
William T. Kelly	R 10	Lillie May Wilson	R 643
Alice Tidwell	R 19	Ollie A. Barger	R 656
Rosenna McLaughlin	R 41	Ida Hawkins	R 671
Martha A. Perdue	R 45	Lizzie Davis	R 761
Gabriel L. Payne	R 61	Clara M. Emmons	R 803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

C.F.B.

Cherokee R-563.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pearl J. Bengé et al., as citizens by blood of the Cherokee Nation.

O R D E R .

THE RECORDS OF THIS OFFICE SHOW: That at Muldrow, Indian Territory, August 15, 1900, Rebecca Bengé appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Pearl J. and William Bengé and Moses Morton, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 24, 1901. The application for the enrollment of said Rebecca Bengé has been heretofore disposed of and her right to enrollment will not be considered in this decision.

Since the application was received by the Commission to the Five Civilized Tribes for the enrollment of Pearl J. and William Bengé, and Moses Morton as citizens by blood of the Cherokee Nation, the Commission and the Commissioner to the Five Civilized Tribes have diligently sought information which would enable them to determine whether or not said applicants were living September 1, 1902, and if so, whether or not they were entitled to enrollment on that day. No information has been obtained tending to show the status of said applicants on September 1, 1902.

IT IS, THEREFORE, ORDERED: That the application for the enrollment of Pearl J. Bengé, William Bengé and Moses Morton as citizens by blood of the Cherokee Nation be, and the same is hereby, dismissed.


Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 28 1907.

E

2568



W. C. HANAN

Muskogee, Indian Territory, January 29, 1902.

Mr. Thomas Bengé,
Long, Indian Territory.

Dear Sir:

Upon an examination of the testimony had in the matter of the application of Rebecca Bengé for the enrollment of herself and children as citizens of the Cherokee Nation, it appears that you were requested to file with the Commission satisfactory proof as to your marriage to the said Rebecca Bengé. This you have not yet done.

You are requested to forward the Commission immediately either your original marriage license and certificate or a certified copy thereof.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee No. R. 563.

Register.

113

Muskogee, Indian Territory, February 11, 1902.

Mrs. Rebecca Bengo,

Sequoyah, Indian Territory.

Madam:

Upon examination had in the matter of the application of yourself to be enrolled as a citizen by intermarriage of the Cherokee Nation, it is found that you have not supplied the Commission with satisfactory proof of your marriage to Thomas L. Bengo.

You are requested to supply the Commission with a certified copy of the certificate of marriage; or if you cannot procure that, you will be allowed to furnish such proof as you can secure.

You are reminded that it is very important to your right to enrollment, and should be attended to as soon as possible.

Yours truly,

Commissioner in Charge.

In answering refer to Cherokee No. 563.
Register.

COMMISSIONERS.

HENRY L. DAWES,
TAMM DIXON,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-563

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 10, 1902.

Rebecca Benge,

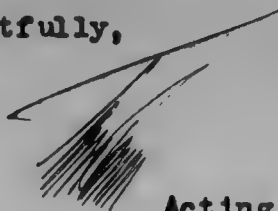
Webbers Falls, Indian Territory.

Dear Madam:-

You are hereby notified that, before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary for you to appear before the Commission and give further testimony tending to establish your right to enrollment on September 1, 1902.

This testimony can be introduced before the Commission at its offices at Muskogee, Indian Territory, any time prior to December 24, 1902, or before the Cherokee Land Office at Vinita, Indian Territory after January 2, 1903.

Respectfully,



Acting Chairman.

Cherokee R 563.

Tahlequah, Indian Territory, April 9, 1904.

Thomas Le Roy Benge,

Long, Indian Territory.

Dear Sir:

The Commission desires to know the whereabouts of your former wife, Rebecca Benge, and if you know of her postoffice address or any other information which will enable us to locate her, it is requested that you furnish the Commission with the same at once.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

GWI

Cher. R 563

Muskegee, Indian Territory, January 10, 1907.

Rebessa Bengo,

Long, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. -----
D-----

Commissioner.

Cherokee R
563

Muskogee, Indian Territory, March 14, 1907.

Rebecca Benge,

Long, Indian Territory.

Dear Madam:

You are advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January
10, 1907, rejecting your application for enrollment as a
citizen by intermarriage of the Cherokee Nation, was af-
firmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. C-100
MTM

Commissioner.

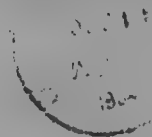
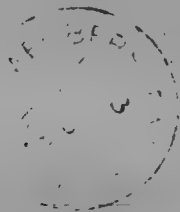
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



JAN 17 1903
JAN 17 1903
JAN 17 1903

Cher R 564

Cher R 564

MENT
IN TO IN

Cherokees by Blood:

REJECTED, as to Husband,
John Jackson:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 14th, 1901.

In the matter of the application of Flora Jackson for the enrollment of herself and one child as Cherokee citizens by blood, and for the enrollment of her husband, JOHN JACKSON, as a Cherokee citizen by intermarriage; said Jackson being sworn and examined by Commissioner C. R. Breckinridge, testified as follows: Through Interpreter Simon R. Walkingstick:

- Q Give me your name? A Flora Jackson.
Q How old is she? A Eighteen years old.
Q Who is it you want to enroll just yourself? A Herself, husband and children--one child.
Q What is your post office? A Southwest City, Missouri.
Q In what district do you live? A Delaware.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your husband a Cherokee by blood? A No, sir.
Q What is he? A He is a white man.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Enola Cheater.
Q Is he dead? A He is living.
Q Give me the name of your mother? A Katie Cheater.
Q Is she dead? A No, sir.
Q Give me the name of your husband? A John Jackson.
Q How old is he? A 23 years old.
Q When did you and he marry? A Been married about a year.
Q Where is he now? A He is at home.
Q Have you and he lived together ever since you were married?
A Yes, sir.
Q Have you his marriage license and certificate? A Yes, sir.

COM'R BRECKINRIDGE:--The applicant presents a license issued by the Clerk of the United States Court, Northern District Indian Territory, May 14, 1900, authorizing marriage between herself and husband, as stated by her, and the certificate shows that they were united in marriage in accordance with said license two days after the date thereof by the Reverend J. C. Rear. This is filed herewith.

- Q were you ever married except to this husband? A Yes, I have been married once before.
Q Was your first husband dead when you married this husband?
A No, he is living, my first husband is living.
Q Did you ever get a divorce from him? A Well; we had never been lawfully married really.
Q Did you lived together as husband and wife? A Well, I don't suppose you could say that they were married; she says they stayed together about a month.
Q Didn't you live in the same house? A Yes, sir; we stayed at my father's.
Q You stayed together openly, did you, as husband and wife?
A Yes, sir.
Q Did you ever get a divorce from him? A No, sir.
Q Was your present husband ever married before he married you?
A No, sir.
Q Give me the name of your child? A James White, four years old now.
Q Is that the child of the man you lived with first? A Yes, sir.
Q Is this child living now? A Yes, sir.
Q Was your first husband a white man or Indian? A He was Cherokee.
Q What was his full name? A Hale White.
Q Is he living now? A Yes, sir.

Q Were you people ever called by any other name except Cheater?
A Yes, sir.
Q What was the name? A Blackfox.
Q What is your mother's given Cherokee name? A Kayuca.
Q Did they call her Kayuca Blackfox? A Yes, sir.
Q And your father was he called Cheater Blackfox? A Yes, sir.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of applicant's mother identified thereon, page 222, #178, Ka-haw-ker, Blackfox, Delaware District.

The 1896 Census Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 452, #670, Flora Cheater, Delaware District.

COM'R BRECKINRIDGE:++The applicant applies for the enrollment of herself, her husband and one child: The applicant is apparently a full blood Cherokee. She states that she has lived in the Cherokee Nation all her life. She is too young to be on the roll of 1880, but her mother is identified on that roll, and the applicant is identified under the name of Cheater on the roll of 1896. Her present change of name is established by the marriage license and certificate filed herewith. They ~~both~~ bore both the name of Cheater and Blackfox, and the applicant will now be listed for enrollment as a Cherokee by blood.

Her husband, John Jackson, is said to be a white man. He is shown to have married his wife by the license and certificate filed herewith about one year ago. They were married under a United States license. He was never previously married, but she had formerly contracted a common law marriage and from that husband she had never obtained a divorce. Her husband has been married too late to be upon any roll and under the conditions stated the application for his enrollment will be listed for ~~my~~ rejection, he being ~~excluded~~ put in the class of Cherokees by intermarriage.

When the applicant presents a proper certificate of birth of her child, James White, the child of the man she first lived with and which child is too young to be upon any roll, then this child will be listed for enrollment as a Cherokee by blood.

---000000000---

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this May 14th, 1901.

Chickering
Commissioner.

R564

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

PLATE 14

R 564

WITNESS my hand and seal of said Court at Muskogee, A. D. 1901.

this 9 day of April

Chas. A. Davidson Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

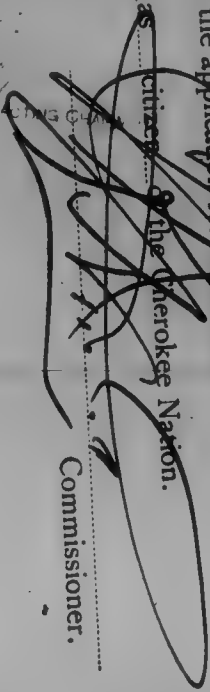
Muskogee, I. T., April 10, 1901

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of

John Jackson

citizen of the Cherokee Nation.

Commissioner.



APR 11 1902

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT.

I, Charles A. Davidson, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for
record in my office the 9 day of April 1900. ~~xxx~~, at _____ M., and duly
recorded in Book "Q", Marriage Record, Page 371.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this 9 day of April, A. D. ~~xxx~~ 1900.

Chas. A. Davidson Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 1900.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of _____
John Jackson _____ citizen of the Cherokee Nation.

Commissioner.

R 564

206
71
902

MARRIAGE LICENSE.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, } ss.
 NORTHERN DISTRICT. }

No. **R-564**

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between

Mr. **John Jackson**, of **Afton**, in
 the Indian Territory, aged **23** years, and **Miss Flora Cheater**,

of **Grove**, in the Indian Territory, aged **18** years,

according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this **14th** day of

March, 1900, A. D. ~~1901~~.

Chas. A. Davidson.

Clerk of the U. S. Court.

By **H. H. Butler.** Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT, }

I, J. C. Rhea, a Minister of the Gospel, Do HEREBY CERTIFY,
that on the 17 day of March, A. D. 189..., I did duly and
~~according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans~~
of Matrimony between the parties therein named.

WITNESS my hand this 17 day of March A. D. 189...

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book "B", Page 94.

J. C. Rhea.

A Minister of the Gospel.

D. B. ...

JAN 21 1902

ACTING CHIEF MAIL

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of John Jackson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and sixty-four, it is entitled John Jackson, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-564.

Cherokee No. R-554

Muskogee, Indian Territory,

January 28, 1902.

Mr. John Jackson,

Southwest City, Missouri.

Sir:-

On the 14th day of Jan., 1901, your wife, Flora Jackson, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. It appears from the testimony in this case that you were married on the 16th day of March, 1890, to one Flora Jackson, formerly wife, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1890; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 25, 1900, (31 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose par-

ents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 659: - - every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware, or Shawnee woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - -"

"Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall

before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case the application for the enrollment of herself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby.
Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1808.
7273-1802.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stat., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article IVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, in hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

QAW
D

273 inclosures.

I. T. D. 881-1902.
D. C. 3871.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On January 28, 1902, you rendered a decision in a number of cases of parties applying for enrollment in the Cherokee Nation as citizens by intermarriage, holding that as the parties were married to Cherokee Indians after December 16, 1895, the date of the Cherokee law which provides, "That from and after the passage of this act all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation shall acquire by such marriage no rights of property, lands or money, belonging in common to the people of the Cherokee Nation," etc., they were not entitled to enrollment.

Among such cases was that of John Jackson, memorandum No. R. 564. On the same day you notified Jackson that as he was married March 17, 1900, under authority of a marriage license issued by other than the authorities of the Cherokee Nation, he was not entitled to enrollment, calling his attention to pages 329 and 331

of the "Laws of the Cherokee Nation" (1892), which require that marriage licenses should be obtained from "any of the district clerks of the several districts", of the Cherokee Nation.

No reference was made in this notice to the act of December 16, 1895. Attention is called to Departmental letter of even date in the case of William J. Smith.

Finding no reason to disturb your decision it is affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 564.

Muskogee, Indian Territory, March 14, 1902.

John Jackson,

South West City, Missouri.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-564.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of John Jackson, Cherokee No. R. 564, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cherokee-A-564.

Muskogee, Indian Territory, April 12, 1902.

Mr. John Jackson,
Southwest City, Missouri,

Dear Sir:

When you applied to that Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, marriage license and certificate showing your marriage on the 17th day of March, 1900, to Miss Flora Cheater.

Your case having been finally disposed of, this marriage license and certificate is herewith returned to you.

Yours truly,

Commissioner in Charge.

Encl.-564.



Department of the Interior.

OFFICE OF THE SECRETARY OF THE INTERIOR.

WASHINGTON, D. C.

OFFICE OF THE SECRETARY OF THE INTERIOR.

Penalty for private use \$3000.

11 AM
JUN 1902
MO.



Cher R 565

Cher R 565

first and correct translation of his stenographic notes.
 Now of the above named witness, and that the foregoing is a true,
 to the Commission to the Five Civilized Tribes he reported the testi-
 Bruce C. Jones, being duly sworn, says that as stenographer

—0—

cases as are not considered for lack of jurisdiction.

This application will be placed upon a memorandum designated for such
 the citizens of the Cherokee Nation are sent to him for approval.

Secretary of the Interior for his approval when the final rolls of
 the Interior. The Commission will transmit this decision to the

such an application shall be final when approved by the Secretary of
 the Interior provides that the refusal by this Commission to entertain

rollment as a Cherokee or a citizen of any tribe in the Indian Terri-
 tories or make any record of the application of any tribe for en-
 franchisement that this Commission has no authority to receive.

of Congress approved May 31, 1800, the Indian Appropriation Bill,
 Cherokee Nation, therefore, she comes under the provision of the Act

Cherokee Nation, been admitted in any manner to citizenship in the
 not being a citizen of the tribe of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

not being a citizen of the Cherokee Nation, and
 not being a citizen of the Cherokee Nation, and

Witness, I. T. August 10, 1800.
 Commission to the Five Civilized Tribes,
 Department of the Interior.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 16, 1900.

In the matter of the application of Maury Louisa Satterfield for the enrollment of himself as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckenridge, he testified as follows:

Q What is your full name? A Maury Louisa Satterfield.

Q What is your age? A 24.

Q What is your post office? A Uniontown, Ark.

Q What is your district? A Sequoyah.

Q For whom do you make application now for enrollment, yourself?

A Yes, sir, that was my husband sitting here just now, me and him have parted.

Q Do you apply as a Cherokee by blood? A No, sir, by intermarriage.

Q When did you marry your husband? A In 1897.

Q You are not upon any of the rolls of the Cherokee Nation? A No, sir.

Q You only claim through your marriage to your husband? A Yes, sir, that is all.

Q Under the Cherokee law of 1895, the acquirement of rights of citizenship by intermarriage was prohibited. This applicant does not claim to be upon any of the rolls of the Cherokee Nation, and she has never been admitted in any manner to citizenship in the Cherokee Nation; therefore, she comes under the provision of the Act of Congress approved May 31, 1900, the Indian Appropriation Bill, which states that this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a Cherokee or a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal by this Commission to entertain such an application shall be final when approved by the Secretary of the Interior. The Commission will transmit this decision to the Secretary of the Interior for his approval when the final rolls of the citizens of the Cherokee Nation are sent to him for approval. This application will be placed upon a memorandum designated for such cases as are not considered for lack of jurisdiction.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 24th day of August, 1900.

[Signature]

Commissioner.

~~75-111~~ 75-111
COMMISSION TO THE HONORABLE JUDGE
FILED
AUG 16 1900

CHEROKEES BY BLOOD AND ADOPTION.

Date August 16th 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name 24 Mary L. Satterfield, Uniontown, Ark.

District Year Page No.

Citizen by blood Mother's citizenship U.S.Intermarried citizen yes ParentsMarried under what law Date of marriage 1897

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1897

THE NINE

1912
1913

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

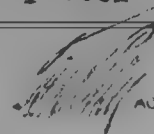
Make Rejected; married in 1897, and not on any
roll; judgment stated.

Cherokee R 565

10 (R. 565)
COMMISSION TO THE DISTRICT OF COLUMBIA

FILED

MAR 4 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Maury L. Satterfield, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 565, it is entitled Maury L. Satterfield, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 565.

(COPY)

Cherokee R 565

Muskogee, Indian Territory.

February 14, 1902.

Maury L. Satterfield,

Union Town, Arkansas.

Sir:

On the 16th day of August, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1897 to your husband; that you are not identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such

intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to

Shawnee R 565-3

the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

BY (Signed) ~~W. B. Needles~~

Enclosure

Register

~~W. B. Needles~~
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1892

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1892, in the matter of the application
of Maury L. Satterfield for enrollment as a citizen of the
Cherokee Nation.

Cherokee No. R. 565.

W. W. Hastings
Attorney for Cherokee Nation.
J. C. A.

L. R. S.

J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON. April, 8, 1902.

I. T. D. 2155-1902.
D. C. 6009-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Maury L. Satterfield, R 565, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-565

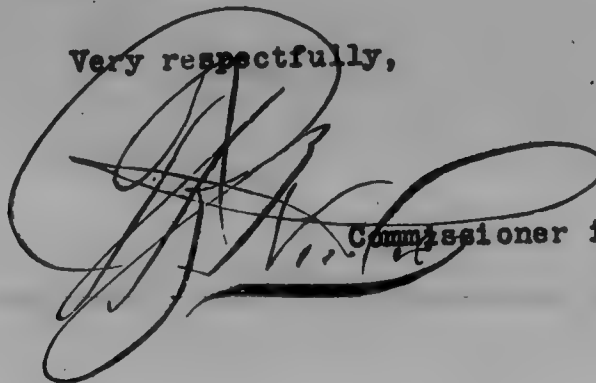
Muskogee, Indian Territory, April 17, 1902.

Maury L. Satterfield,
Uniontown, Arkansas,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,



Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-A-565.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Henry L. Satterfield, Cherokee No. R 565, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

6/2/02

uncalled for
returned to writer



Department of the Interior

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

6934

Maury L. Satterfield
Uniontown

R. H. Harrison

Forward by order



Department of the Interior

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2/12/02

Rp 123
123

Maury L. Satterfield,

Uniontown,

Indiana

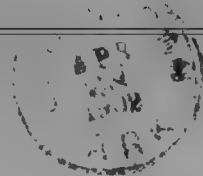
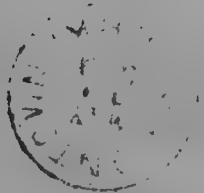
Galena *Unclat*



2540

7/4

1/4



Cher R 566

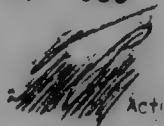
Cher R 566

~~Incident 467~~ R 566

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 27 1960

 ACTING CHAIRMAN

Remond R. R.

REPORT OF THE COMMISSIONER.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RE. VICKERY, I. T., ANKNEY Dist, 1900.

IN THE MATTER OF THE APPLICATION OF John W. Vickery and wife for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your name? A John W. Vickery.
Q What is your age? A Twenty five.
Q What is your Postoffice? A Fort Gibson.
Q What is your District? A Illinois.
Q For whom do you make application for enrollment? Yourself?
A Yourself.
Q Is she all? A My wife is an applicant here.
Q Do you want to apply for your wife? A Yes sir.
Q Is that all? A Yes sir.
Q Any children? A No sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A She claims to be.
Q How long have you lived in the Cherokee Nation? A About ten years.
Q How long have you lived in Illinois District? A The same length of time.
Q How were you admitted to citizenship in the Cherokee Nation; by act of the Cherokee council? A Yes sir.
Q Let me see your certificate? A I have not got it.
Q When were you admitted? A The year I came here.
Q Ten years ago? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q Roll of 1894, are you? A Yes sir.
Q And 1894 too? A I think so.
Q Give your wife's name? A Dora L. Vickery.
Q What was her name before you married her? A Dora L. Sterling.
Q The latter her maiden name? A Yes sir.
Q How old is your wife? A She is eighteen.
Q When did you marry her? A In 1887.
Q On this year? A Yes sir; I am not sure; April or May.
Q Is she on any of the rolls of the Cherokee Nation? A No sir.
Q None that ever? A No sir.
Q Has she ever been admitted to citizenship by the Cherokee Council?
A No sir.
Q Or in the United States Court? A No sir.
Q Or the Texas Commission? A No sir.
Q What is the name of your father? A Nelson G. Vickery.
Q Is he a white man or Indian? A Indian.
Q Is he living or dead? A Dead.
Q When did he die? A In 1899.
Q Is he on any of the rolls of the Cherokee Nation? A I think he is.
Q What is the name of your mother? A Mary L. Morgan; that was her maiden name; that was her name when she died; her maiden name was Barnes.
Q White woman or Indian? A ~~White woman~~ White woman.
Q Is she living or dead? A Dead.
Q When did she die? A In 1892, I think.
Q Is she on any of the rolls? A Yes sir.
Q What is the name of your wife's father? A Marion Sterling.
Q He was a white man? A Yes sir.
Q Is he living or dead? A He is living.
Q What is the name of her mother? A Josie Sterling.
Q White woman? A No sir; Cherokee. Same as my wife.
Q Living or dead? A Dead.
Q When did she die? A She died in 1899, I think.
Q What rolls can she be found on? A She can not be found on any; it is just a claim; her mother is living.
Q Is your wife's mother living or dead? A She is dead.
(Applicant identified on the roll of 1896, Page 912, (P. 911, John W. Vickery, Sequoyah District)

As for the application that is made for Dora L. Vickery, it appears that she was married in the Spring of this year; too late to acquire any rights under the Cherokee law, it being after

the well known law of 1895, prohibiting the rights of citizenship by intermarriage, she is said by her husband not to be on any of the rolls of the Cherokee Nation, and that he has been admitted to citizenship by the tribal council. Therefore, she comes under the provision of the Act of Congress, approved May 31st, 1900, in relation to the rolls of the Cherokee Nation, which provides that the Commission has no authority to consider or take any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory, who was not already lawfully enrolled, or admitted as such. It is further provided that the refusal of this Commission to entertain your application will be final, then approved by the Secretary of the Interior. Therefore, it is decided in the matter of the application of the said applicant's wife that the Commission has no jurisdiction; and she will be put on a memorandum of application not disposed of.

Now, as regards the application of John W. Hickory for himself, it appears that he was on the rolls of 1880, but did not conform to the provisions of the Act of 1895, as evidenced in the Cherokee Nation, and hence, forfeited his citizenship, as fully established by his claim to have been admitted to the rolls of the Nation in 1890. It appears in the statement that in the possession of the Cherokee Nation, or of the said re-enrolled persons of citizenship, which is to be supplied to the Commission, as is stated in application, with a certified copy, or the original of the roll of the Nation, showing - as indicated above, is indicated. He is listed on the roll of 1880, and he will be ordered now for enrollment as a citizen of the Cherokee Nation, with a certificate of re-enrollment, in 1880, as he is entitled to.

It is further provided that the Commission may be authorized to take any evidence, and to report the foregoing testimony and proceedings, and that the said evidence, and correct transcript of the same, be not a in said case.

R. R. Anderson

Signed to the Commission of the Cherokee Nation, at the Cherokee Nation, in 1880.

[Signature]

DO NOT SIGN HERE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 21st, 1900.

IN THE MATTER OF THE APPLICATION OF John W. Vickery and wife for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your name? A John W. Vickery.
Q What is your age? A Twenty five.
Q What is your birthplace? A Fort Gibson.
Q What is your district? A Illinois.
Q For whom do you make application for enrollment? Your: 1st?
A Yourself.
Q Is that all? A Yes sir, I am up right here.
Q Do you want to apply for your 1st? A Yes sir.
Q Is that all? A Yes sir.
Q Any children? A No sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A She claims to be.
Q How long have you lived in the Cherokee Nation? A About ten years.
Q How long have you lived in Illinois district? A The same length of time.
Q How were you admitted to citizenship in the Cherokee Nation; by act of the Cherokee Council? A Yes sir.
Q Have you your certificate? A I have not got it.
Q When were you admitted? A The year I came here.
Q Ten years ago? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q Roll of 1896, are you? A Yes sir.
Q And 1898 too? A I think so.
Q Give your wife's name? A Nora E. Vickery.
Q What was her name before you married her? A Nora E. Sterling.
Q Was she ever married? A No sir.
Q How old is your wife? A She is eighteen.
Q When did you marry her? A In 1890.
Q On this year? A Yes sir; I am not sure; April or May.
Q Is she on any of the rolls of the Cherokee Nation? A No sir.
Q None whatever? A No sir.
Q Was she ever been admitted to citizenship by the Cherokee Council?
A No sir.
Q Or by the United States Court? A No sir.
Q Or the Indian Commission? A No sir.
Q What is the name of your father? A Nelson C. Vickery.
Q Is he white or Indian? A Indian.
Q Is he living or dead? A Dead.
Q When did he die? A In 1887.
Q Is he on any of the rolls of the Cherokee Nation? A I think he is.
Q What is the name of your mother? A Mary L. Morgan; that was her maiden name; but was her name when she died; her maiden name was Barnes.
Q Was she white or Indian? A ~~White woman~~ White woman.
Q Is she living or dead? A Dead.
Q When did she die? A In 1892, I think.
Q Is she on any of the rolls? A Yes sir.
Q What is the name of your wife's father? A Marion Sterling.
Q Was he white man? A Yes sir.
Q Is he living or dead? A He is living.
Q What is the name of her mother? A Jessie Sterling.
Q White woman? A No sir; Cherokee. She is my wife.
Q Living or dead? A Dead.
Q When did she die? A She died in 1899, I think.
Q What rolls can she be found on? A She can not be found on any; it is just a claim; her mother is living.
Q Is your wife's mother living or dead? A She is dead.
(Applicant identified on the roll of 1896, Page 912, 1898, John W. Vickery, Sequoyia District)

As for the application that is made for Nora E. Vickery, it appears that she was married in the Spring of this year; too late to acquire any rights under the Cherokee law, it being after

the well known law of 1895, prohibiting the rights of citizenship by intermarriage. She is said by her husband not to be on any of the rolls of the Cherokee Nation, and never to have been admitted to citizenship by any tribunal whatever. Therefore, she comes under the provision of the Act of Congress, approved May 31st, 1900, in which it is provided that, "No person shall be considered as a citizen of any tribe in the Indian Territory, who has not already been duly enrolled, or admitted as such." The Act further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior. Therefore, it is decided in the matter of your application of the 11th inst. wife that the Commission has no jurisdiction; and she will be left to the consideration of the courts as disposed of.

Now, as regards the application of John W. Hickory for himself, it appears that he was on the roll of 1880, but did not conform to the requirements of the law. He was his residence in the Cherokee Nation, and hence, forfeited his citizenship, as fully established by his claim to have been admitted by act of Congress in December, 1890. This appears in the printed list of the possessors of the Cherokee National Lives, or Admitted to re-admission of citizenship, and it is further stated that the applicant signed his nomination, as is usual in such cases, with a certified copy of the original of the act of the Council, admitting - re-admitting him, as indicated. He is enrolled on the roll of 1900, and he will be carried now for enrollment on a future census, and a new and better certificate of enrollment, in 1900, in the roll of 1900.

As regards John W. Hickory, stated that he was a member of the Cherokee Nation, he reported the foregoing testimony and proceedings, and that he had a copy of all the correct transcript of his stenographic notes in the case.

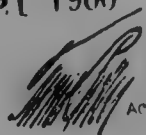
R. P. Chavira

Sworn to and subscribed before me this 27th day of August, 1900.

R. P. Chavira

COMMISSIONER.

Mem 48-7
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 21 1900


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date Aug. 21st 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Rosa L. Vickery, Et Gibson, 29

District Year Page No.

Citizen by blood CHEROKEE Mother's citizenship CHEROKEE

Intermarried citizen (Parents) Josie " dead

Married under what law Date of marriage May, 1900

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

[Handwritten signature and notes]

RECEIVED OF THE INTER
OFFICE OF THE INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

MAY 12 1901
MAY 20 1901

Handwritten signature

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mak rejected, because married in 1900 to Cherokee husband; judgment stated.

Cherokee R 566

P. B. 16

COMMISSIONER OF THE LAND OFFICE

FILED
MAR 4 1902

[Signature]
ACTING CLERK

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Dora L. Vickery, refused by the Commission under the provisions of the Act of Congress approved June 26, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 566, it is entitled Dora L. Vickery, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 506.

(COPY)

Cherokee R 566

Muskogee, Indian Territory.

February 14, 1902.

Dora L. Vickery,

Fort Gibson, Indian Territory.

Madam:

On the 21st day of August, 1900, your husband, John W. Vickery, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case, that you were married in May, 1900, to your husband, a citizen by blood of the Cherokee Nation. That you are not identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law,

enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

In view of the law and testimony in this case the appli-

Cherokee R 366--3

ation for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed)

I. B. Needles.

Commissioner in Charge.

Enclosure

Register

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 1 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered _____, in the matter of the application
of Dora L. Vickery for enrollment as a citizen of the
Cherokee Nation.*

Cherokee No. R. 566.

H. A. V. C. C.
Attorney for Cherokee Nation.

UNITED STATES DEPARTMENT OF THE INTERIOR
COMMISSION TO THE NATIONAL ANTI-CORRUPTION BOARD

UNITED STATES DEPARTMENT OF THE INTERIOR

NOV 14 1902

[Signature]
ACTING CHAIRMAN

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2156-1902.
D. C. 5998-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Dora L. Vickery, R 566, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected..

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-566

Muskogee, Indian Territory, April 17, 1902.

Dora L. Vickery,

Port Gibson, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-866

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Dora L. Vickery, Cherokee No. R-866, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COPY.

Cherokee R-566.

Muskogee, Indian Territory, March 21, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 18, 1905, asking to be advised as to the status of the application for the enrollment of Dora L. Vickery as a citizen of the Cherokee Nation.

In reply you are advised that an examination of the record in this case shows that the said Dora L. Vickery is an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation; that the Commission's decision dated February 14, 1902, rejecting her application, was affirmed by the Secretary of the Interior on April 3, 1902.

Respectfully,

(SIGNED). *Tame Bixby.*
Chairman.

Cher R 567

Cher R 567

FILED

SEP 4 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D.C., August 22, 1900.

In the letter of the application of George W. Fisher for the
e roll of the Five Civilized Tribes; and in the
and in the Commissioner's letter to the applicant as follows:

Q What is your name? A George W. Fisher.
Q What is your age? A Sixty-six.
Q What is your present residence address? A Chicago.
Q Are you a recognized citizen of the Cherokee Nation?
A No.
Q What district do you live in? A Illinois District.
Q How long have you lived continuously in the Cherokee Nation?
A Since October 1890.
Q Who do you apply for? A I just apply for myself only.
Q Where did you come from to the Cherokee Nation? A I came
from Indiana.
Q How long have you lived in the Cherokee Nation? A Since 1890.
Q How long have you lived in the Cherokee Nation? A Since 1890.
Q What is the date of your last? A August 1890.
Q How long have you lived in the Cherokee Nation? A Since 1890.
Q Where did you live? A In Chicago.
Q Have you a certificate of citizenship? A It must be in the poss
ession of the Dawes Commission; I took it to Hiram Leonard and he
told me he sent it on to the Chief and the Chief wrote him he sent
it to the Commission in 1897; I made application for myself at to
the Chief and to the Dawes Commission in 1897.
Q Where were you married? A I was married at Chicago.
Q How long ago? A 13 years.
Q How long have you lived in the Cherokee Nation? A Since 1890.
Q How long have you lived in the Cherokee Nation? A Since 1890.
Q How long have you lived in the Cherokee Nation? A Since 1890.
1890 roll examined, and no name found.

Mr. Needles: George W. Fisher, the applicant, ~~XXXXXX~~
avows that he was married to Mary Ann Tensley a Cherokee citizen
by blood in the year 1886, but his name is not found upon the con
sensus roll of 1890. The laws of the Cherokee Nation provide that
non-citizens married to citizens of the Cherokee Nation after the 10th
day of December 1895 shall acquire no rights of citizenship; conse
quently the application of George W. Fisher will be rejected.

J. Green, being first duly sworn states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3 day of Sept. 1900.

C. A. Brown
Commissioner.

FILED

ALLG 27 1900

ACTING CHAIRMAN

Date..... 12 AUG 27 1900 2 1900.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen *4.22*

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children.

Dist. Year Page No. Age.....

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year. Page..... No. Age.....

Dist. Year Page No. Age

Dist. Year Page..... No..... Age.....

Dist. Year Page No. Age

Dist. Year..... Page..... No..... Age.....

Dist. Year..... Page..... No..... Age.....

RECEIVED THE INTER
OFFICE
JUL 17 1990
JUL 20 1990

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected; married in 1896, complete record

of enrollment as to him and deceased wife, and if necessary
prove marriage; make judgment limit law of 1895 to property rights,
judgment stated.

Cherokee R 567

10, 11

JAN 22 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of George W. Fisher, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and sixty-seven, it is entitled George W. Fisher, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-567.

E R 567.

COMMISSION TO THE

FILED

JAN 22 1902

[Signature]
ACTING CHAIRMAN.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory January 28 1902.

George W. Fisher,

Braggs, I. T.

Dear Sir:

On the 27th day of August, 1902,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were

married on the xx in xxxx the year 1896, 190..., to one Margaret Hensley

"deceased"

.....a citizen by blood of the Cherokee Nation, ~~that you and your~~

~~have lived together continuously since your marriage, that you are~~ not

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of.....

yourself

.....as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

you known to..... as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tams Bixby,

Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7872-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 20, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriages. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 20, 1902, the Commission held that under the provisions of the act of June 22, 1898 (30 Stat., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delaware or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 869, inclusive pages 282 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delaware, or Shawnee by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to November 1, 1901, the office has concluded to deviate from the rule heretofore in existence and report all of said applications in one report.

Very respectfully,

Your obedient servant,

E. A. Jones,

Commissioner.

CAW
D

273 inclosures.

I. T. D. 880-1902.
D. O. 5474.

12965.

R.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

February, 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of George W. Fisher, R. 567, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 533.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 567.

Muskogee, Indian Territory, March 14, 1902.

George W. Fisher,
Braggs, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

Cherokee R-567

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of George W. Fisher, Cherokee No. R. 567, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

Commissioner in Charge.

PPR

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-567

ALLISON I. AYLESWORTH.
SECRETARY.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of George W. Fisher, Cherokee No. R. 567, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Brackinridge.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. T.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



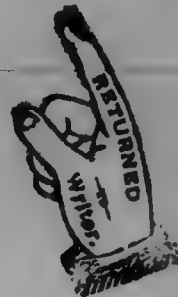
8
9

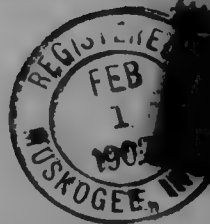
1892



Mr. George W. Fisher,

~~BRAGGS~~, Ind. Ter.





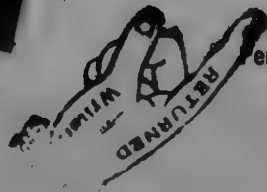
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



George W. Fisher,
Braggs,

Indian Territory.

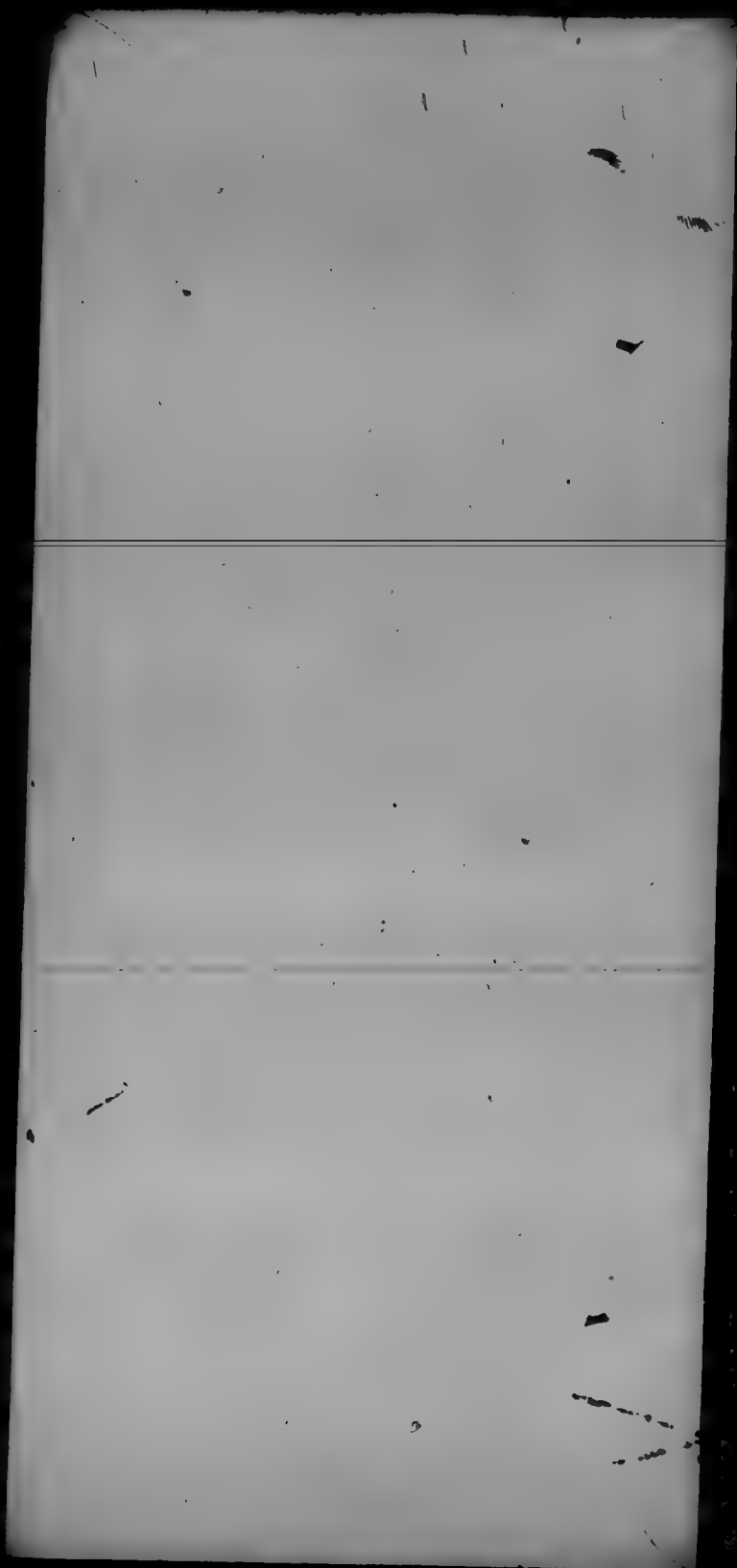
750

396

Reg. No 31

31

Unclaimed



Cher R 568

Cher R 568

RECEIVED BY THE
COMMISSION TO THE LIVE OAK

FILED

AUG 9 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., AUGUST 27, 1900.

In the matter of the application of Washington Miller for enrollment as a citizen of the Cherokee Nation, he being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your full name? A Washington Miller.
Q How old are you? A I am going on 59.
Q What is your post office? A Summerville, Creek Nation, I.T.
Q In what district do you live? A I live in Canadian.
Q Who is it you want to have put on the roll? A Myself.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood do you claim? A Quarter.
Q How long have you lived in the Cherokee Nation? A I lived in the Cherokee Nation until I was 15 years old.
Q Where did you live after that time? A I lived in California.
Q Have you lived in California ever since you were 15 years old? A I left here in 1861.
Q You went to California when you were about 15 years old? Yes, sir.
Q When did you come back to the Cherokee nation? A I have been back nearly three months.
Q You lived in California from the time you were about 15 years old until about three months ago? A Yes, sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir, I am on the 1852 roll.
Q That is the last roll you are on is it? A Yes, sir.
Q Have you ever applied to the Cherokee Nation to be re-admitted to the Cherokee Nation? A No, sir.
Q Did you ever apply to the Dawes Commission? A No, sir.
Q Did you ever apply to the United States Court to be re-admitted? A No, sir, I have been sick ever since I came out here.

Com'r Breckinridge:

The applicant states that he has lived in the State of California from the time he was 15 years old until some three months past. This covers a period of continuous non-residence of about 44 years. He is not upon the roll of 1880, nor any subsequent roll, and he has never applied to any authority for re-admission or enrollment. He is considered to come under the Provision of the Act of May 31, 1891, The Indian Appropriation Bill; "This Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior."

~~The Commission will examine this application~~

Therefore, Mr. Miller, the Commission is of the opinion it has no jurisdiction in your case. If you desire that opinion to be reported to the Secretary of the Interior, you can write to the Commission to that effect and it will be done.

---000---

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes

John O. Rosen

Subscribed and sworn to before me this 29th day of August, 1900.

C. R. Breckinridge
Commissioner.

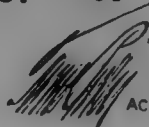
~~March 6~~

73.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IV 568 **FILED**

AUG 27 1900



ACTING CHAIRMAN

Date March 24 1900

Name 11-08-1967

District _____ Year _____ Page _____ No. _____

Citizen by blood at 1/4 Mother's citizenship.

Intermarried citizen 1

Married under what law Date of marriage.....

License Certificate

Wife's name ..

District _____ Year _____ Page _____ No. _____

Citizen by blood **Mother's citizenship**

Intermarried citizen

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist. _____ Year 19 Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age Dist. 11 Year 1944 Page 1 No. 1 Age 1Dist. 1 Year 1950 Page 1 No. 1 Age 1

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. — Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year..... Page..... No. Age.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

a. J. M.

In the matter of the application for the enrollment
of Washington Miller as a citizen by blood of the Cherokee Nation.

--:--

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on August 27, 1900, Washington Miller appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. The record further shows that on May 20, 1902, the Commission rendered its decision herein denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department. Thereafter, on March 22, 1904 (Departmental letter I.T. D. 7162-03), said decision was rescinded and the case remanded for further testimony and readjudication in accordance with present rulings. Further proceedings in the matter of said application were had on June 17, 1904, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Washington Miller, claims the right to enrollment as a citizen by blood of the Cherokee Nation. In support of his claim said applicant, on August 27, 1900, testifies before the Commission, that he is fifty-nine years old, is a Cherokee by blood, and was born in the Cherokee Nation; that he continuously lived in said Nation until the year 1861, when he removed to the State of California, where he continuously resided until about three months next before filing his application for enrollment; and that he was on the Cherokee roll of 1852, but on no subsequent Cherokee tribal roll, and that he had not made application to the Cherokee Nation, the Dawes Commission or the United States Court, for readmission to citizenship.

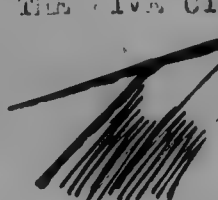
The applicant cannot be identified on any roll of the Cherokee Nation in the possession of the Commission.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the said applicant has been afforded ample opportunity to establish by satisfactory evidence his right to enrollment as a citizen of the Cherokee Nation, but having failed to do so, his application comes within the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), and Moses Ross (I.T.D. 6056-04); and further, that, under the ruling of the Department in the case of Clara A. Ward (I.T.D. 5878-10132-04), the applicant herein expatriated himself from the Cherokee Nation, under the provisions of Section I., Article I, of the Cherokee Constitution, which, in part, provides:

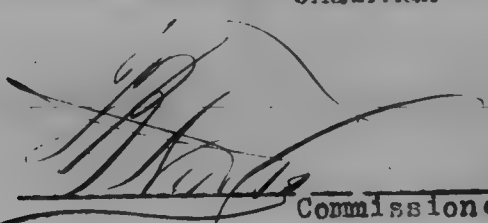
"Whenever an citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

IT IS, THEREFORE, THE OPINION OF THE COMMISSION: That, for the reasons herein set forth, its former decision of May 20, 1902, should be re-affirmed, and that the application for the enrollment of Washington Miller as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), and it is so ordered.

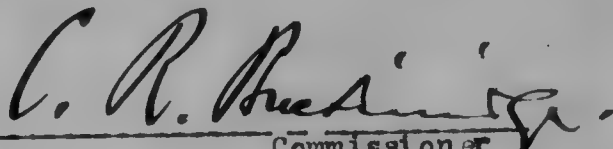
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner

Dated at Muskogee, Indian Territory,
this _____

DEPARTMENT OF THE INTERIOR,
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application
for the enrollment of WASHINGTON MILLER,
as a citizen of the Cherokee Nation:

D E C I S I O N .

It appears from the record in this case that on the 27th day of August, 1900, the said Washington Miller appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The testimony in this case shows that the above named applicant was born in 1841, and that he lived in the Cherokee Nation until he was fifteen years of age, when he removed to the State of California, where he continued to reside until the summer of 1900.

He claims to be a citizen by blood, possessing about one-fourth.

He is not identified on any of the tribal rolls of the Cherokee Nation; and bases his application upon the foregoing facts.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, and whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so

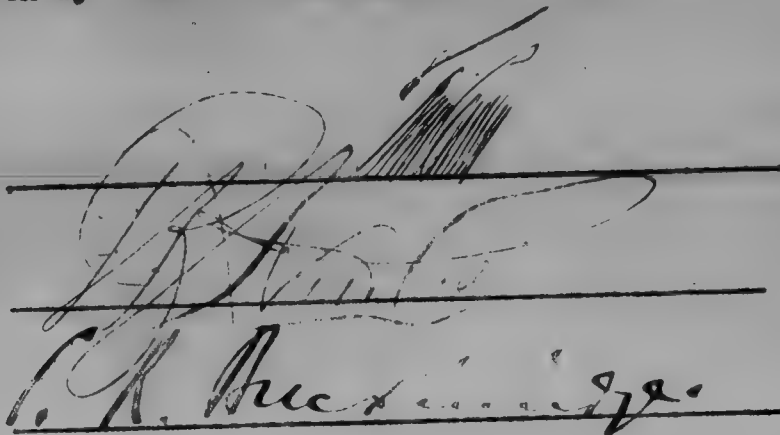
admitted, and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The testimony further shows that from the time when he was fifteen years of age up to and including the summer of 1900, he resided continuously in the State of California, and that upon his return here he did not make application to any of the authorities for re-admission.

It is considered that he is embraced in that class of persons to which the Act of Congress approved June 28, 1898, (30 Stats., 495), section twenty one, paragraph nine, applies, and which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;....."

In view of the law and testimony as shown in this case, it appears that the applicant, Washington Miller, is not entitled to be enrolled as a citizen by blood of the Cherokee Nation; and it is so ordered.



C o m m i s s i o n e r s .

Dated at Muskogee, Indian Territory,
this 20 day of May, 1902.

Cherokee R 568

Department of the Interior?
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 17, 1906.

In the matter of the application for the enrollment
of WASHINGTON MILLER as a citizen by blood of the Cherokee
Nation.

-----0-----

From the record in this case it appears that on May 25,
1904, the Commission, by registered letter, notified the appli-
cant herein that he would be permitted to appear before it on
Friday, June 17, 1904, and introduce such testimony as he might
desire in support of his right to enrollment as a Cherokee by blood.
And that ~~the~~ receipt of said letter was duly acknowledged by
Harry Monroe, Attorney for said applicant, Washington Miller.

Now, on this the seventeenth day of June, 1904, said
case being called pursuant to said notice, applicant appears not,
either in person or by attorney, and the Cherokee Nation being
present by its attorney, W. W. Hastings, this case is ordered closed.

-0-0-0-0-0-0-0-0-0-0-

H. M. Vance, being duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he reported in full all
proceedings had in the above entitled cause on June 17, 1904,
and that the above and foregoing is a full, true and complete
transcript of his stenographic notes taken therein on said date.

H. M. Vance

Subscribed and sworn to before me this 27th day of April, 1905.

Myron White
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

FILED
A 20 1901

Handwritten:
4-20-01

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

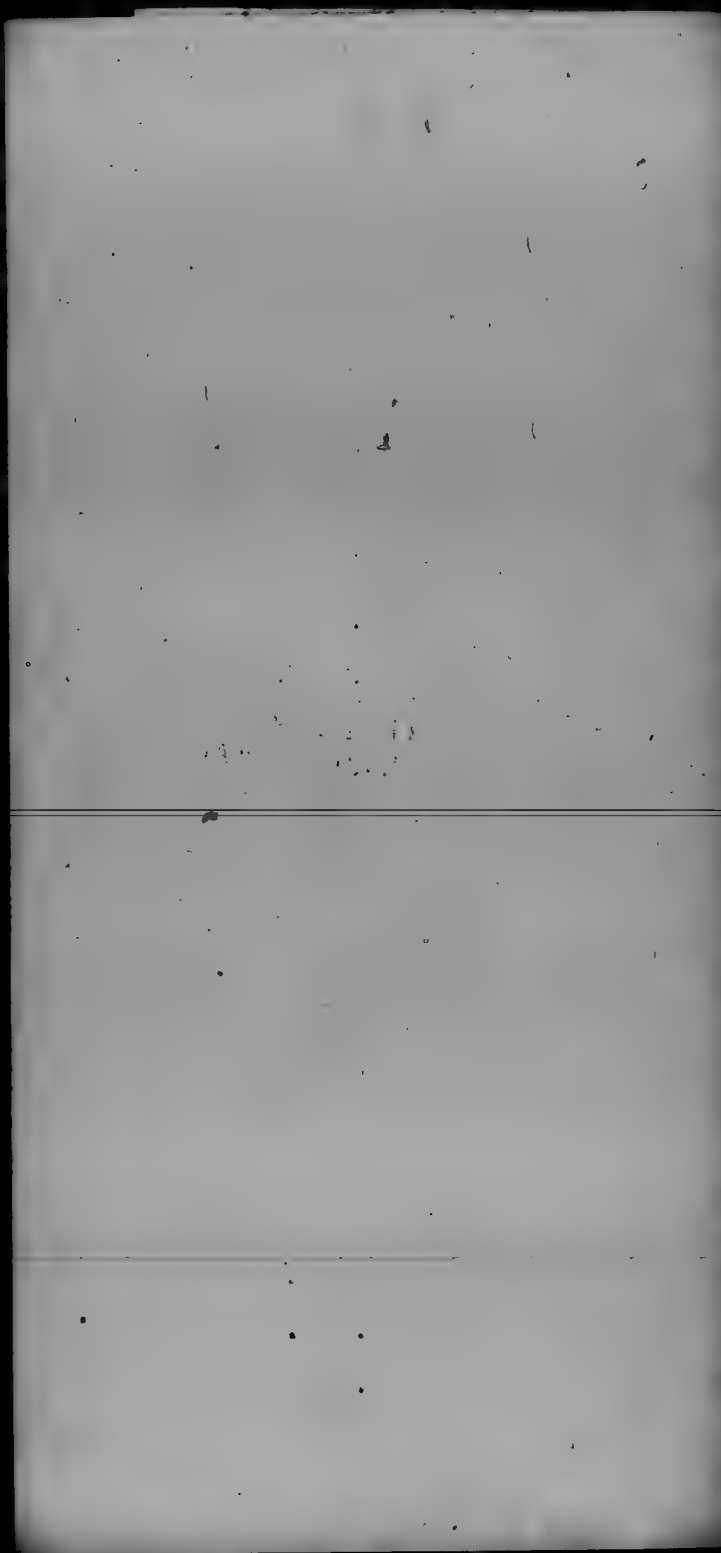
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected, as may be on '52 roll;
lived in California since 1861; on no subsequent roll; returned
three ^{years} ago; never re-admitted; judgment stated.

Cherokee R 568



INDEXED.

OCT 28 1901

Wm. H. Newby &
San Francisco, Cal
Oct. 28 1901

CHAS. K. B.

Chas. K. B. Miller is the
author of the article to
take for enrollment and to be
in the

HENRY E. MONROE,
ATTORNEY-AT-LAW,
Mills Building, 6th Floor, Room 6
Telephone Bush 85.

San Francisco, Cal., October 22, 1901.

Dawes Commission,

Muskogee,

Indian Territory.

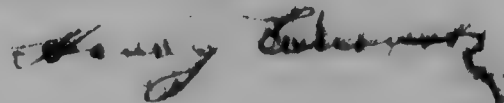
Gentlemen:-

Will you kindly inform me whether one Wash Miller is enrolled as a member of the Cherokee nation? Miller is the son of Louis Miller, now deceased, and is about fifty-nine years of age. Louis Miller immigrated to the Indian Territory in '51 or '52 and died when Wash Miller was about eight years of age. Wash Miller has three brothers now living in the territory, Arch Miller of Summit, I. T.; Tucks Miller of Muskogee, I. T.; and Sowake Miller of Tilliquah, I. T.;

If you find that Miller is not enrolled as a member of the Cherokee nation is there still time for him to be enrolled, and if so what steps are necessary to entitle him to enrollment?

Will you also kindly inform me what steps are necessary to secure moneys coming to members of the Cherokee Nation under the various acts providing for the sale of their lands and about what amount each member of the Nation is entitled to?

Very respectfully yours,



50110

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

May 20, 1902

SUBJECT:

Transmitting record of proceedings in the matter of the application of Washington Miller for enrollment as a citizen of the Cherokee Nation.

No. of inclosures 1

The Commission of the Five Civilized Tribes

There is hereby transmitted to the Commission of the Five Civilized Tribes

the record of the proceedings in the matter of the application of Washington Miller for enrollment as a citizen of the Cherokee Nation, as the same are on file in the office of the Commission of the Five Civilized Tribes, Muskogee, Indian Territory.

Very respectfully,
Commissioner of the Five Civilized Tribes

W. H. H. H. H.

Very respectfully,
Commissioner of the Five Civilized Tribes

748

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECORDED
INDEXED
MAY 20 1902
U.S. DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1902.

The Honorable,

The Secretary of the Interior.

SIR:

There is herewith transmitted the record and proceedings had in the matter of the application of Washington Miller for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application for the enrollment of the said Washington Miller as a citizen of the Cherokee Nation.

Very respectfully,

Acting Chairman.

Enc. R-568.

Through the Commissioner
of Indian Affairs.

50110

50110 1992

11

56.55

Chero. R-588.

COPY.

Muskogee, Indian Territory, May 20, 1902.

Washington Miller,

Summerville, Indian Territory.

Dear Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: *Tams Dixby.*

Acting Chairman.

Enc. R-588.
Registered.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYRESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R-568.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of Washington Miller for the enrollment of himself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

Enc. R-4.

Refer in reply to
the following:
Land.
31143-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Washington Miller for enrollment as a citizen by blood of the Cherokee Nation.

Applicant was born in 1841 and lived in the Cherokee Nation until about fifteen years of age, when he removed to California where he resided until the summer of 1900.

The testimony shows that from the time he was fifteen years old up to and including the summer of 1900, he resided continuously in the State of California.

The Commission is of the opinion that the applicant should not be enrolled because he did not reside in the Cherokee Nation.

The office agrees with the Commission in this conclusion and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

R565

D. C. No. 13921-1902.

L. R. S.

50110

EAF.

ITD. 5055-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 21, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

With your letter of May 20, 1902, you transmitted the record and decision of that date, in the matter of application for enrollment of Washington Miller as a citizen of the Cherokee Nation.

~~The evidence shows that applicant was born in 1841, and~~
lived in the nation until he was 15 years of age, since which time he resided continuously in the State of California until 1900; that he is not identified upon any Cherokee tribal roll. You rejected his application because he was not on June 28, 1898, a resident, in good faith, of Indian Territory.

The Acting Commissioner of Indian Affairs forwarded the papers August 16, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

COPY

Cherokee R 568.

Muskogee, Indian Territory, September 4, 1902.

Washington Miller,
Summerville, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 21, 1902.

Respectfully,

James Birb
Acting Chairman.

DR

COMMISSIONERS.

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 568.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Washington Miller for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 21, 1902.

Respectfully,

Tamm Bixby
Acting Chairman.

B.

D C 9209-1904.

COPY.

J.P.

I.T.D. 5055-1902.
7162-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

L.R.S.

March 22, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 21, 1902, the Department affirmed your decision rejecting the application for the enrollment of Washington Miller as a citizen by blood of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Year-gain case. October 7, 1903, the Indian Office concurred in your suggestion.

The testimony in the case was taken apparently without any aim in view other than to prove that the applicant had not resided in the Cherokee Nation or Indian Territory for about forty years, and was not residing there June 28, 1898. Nothing was asked the applicant to show whether he had not lost his citizenship by taking from the nation his effects and becoming a citizen of another government. The decision of August 21, 1902, is rescinded, and the case is remanded in order that further testimony may be taken and

-2-

the case readjudicated in accordance with present rulings. The testimony and papers attached are inclosed herewith.

Respectfully,

Thos Ryan

1 inclosure.

Acting Secretary.

COMMISSIONERS

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-568

ALLISON L. AYLESWORTH,
SECRETARY

Tahlequah, Indian Territory, April 9, 1904.

Washington Miller,

Summerville, Indian Territory.

Dear Sir:

You are hereby advised that on March 22, 1904, the Secretary of the Interior rescinded his decision of August 21, 1902, affirming the decision of the Commission of May 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation and remanded the same in order that further testimony may be taken therein.

You will be allowed thirty days from date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T. for the purpose of offering additional evidence as to your right to enrollment in the Cherokee Nation, testimony being especially desired as to your continued residence in said nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MH

COMMISSIONERS

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-568.

ALLISON L. AYLESWORTH,
SECRETARY

Tahlequah, Indian Territory, April 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 22, 1904, the Secretary of the Interior rescinded his decision of August 21, 1902, affirming the decision of the Commission of May 20, 1902, rejecting the application of Washington Miller for the enrollment of himself as a citizen by blood of the Cherokee Nation, and remanded the same in order that further testimony may be taken therein.

You are further advised that said Washington Miller has been advised this day of the action of the Interior Department, and notified that he would be allowed thirty days from date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T. for the purpose of introducing further testimony as to his right to enrollment.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MH

Cherokee R-568

Tahlequah, Indian Territory. May 21, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

On April 9, Washington Miller (Cherokee R-568) was notified that his application for enrollment as a citizen of the Cherokee Nation had been reopened and remanded by the Department for further testimony, and that he could, within thirty days from the date of that letter, appear at the Cherokee Land Office and introduce further testimony in his case.

The applicant failed to appear and the letter to him was returned unclaimed. The jacket and record in this case is now forwarded to the office at Muskogee that such further steps may be taken in the case as are deemed necessary.

There is also enclosed original card Cherokee R-568.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MBR
Encl R-111

mdg

COMMISSIONER
JAMES DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-568.

W. W. HASTINGS,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 25, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

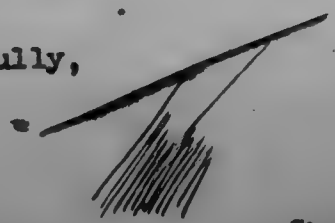
Dear Sir:

You are hereby advised that on March 2, 1904, the approval by the Secretary of the Interior of the Commission's decision, rejecting the application of Washington Miller for enrollment as a citizen by blood of the Cherokee Nation, was rescinded and his application remanded to the Commission in order that further testimony might be taken therein.

The applicant has, therefore, this day been notified that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, for the purpose of introducing such testimony as he may desire touching his right to enrollment. It is particularly desired that the applicant introduce testimony as to his residence in the Cherokee Nation.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,



Chairman.

Cherokee R-568

Muskogee, Indian Territory, May 25, 1904.

Washington Miller,
Care of Harry E. Monroe,
Mills Building,
San Francisco, California.

Dear Sir:

You are hereby advised that on March 2, 1904, the approval by the Secretary of the Interior of the Commission's decision, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was rescinded and your application remanded to the Commission in order that further testimony might be taken therein.

You are, therefore, hereby notified that you will be permitted to appear before the Commission at its offices in Muskogee Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, for the purpose of introducing such testimony as you may desire touching your right to enrollment. It is particularly desired that you offer testimony as to your residence in the Cherokee Nation.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R6W

REFER IN REPLY TO THE FOLLOWING: Cherokee R-568.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Washington Miller as a citizen by blood of the Cherokee Nation, thereby adhering to its decision of May 20, 1902.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-50



Chairman.

Cherokee R-568.

Muskogee, Indian Territory, June 30, 1905.

Washington Miller,

Summerville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for your enrollment as a citizen by blood of the Cherokee Nation, thereby adhering to its decision of May 20, 1902.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Wm. Hixby.
Chairman.

Incl. S-49
Register

Cherokee R-568.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Washington Miller as a citizen by blood of the Cherokee Nation, including the Commission's decision dated June 30, 1905, rejecting said application, thereby adhering to its decision of May 20, 1902.

On March 22, 1904, this case was remanded for further hearing and readjudication.

Respectfully,

Incl. S-51

Wm. Bixby.
Chairman.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer in reply
to the following:
Land
50937-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 26, 1905

The Honorable,

The Secretary of the Interior.

Sir: I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee nation by Washington Miller.

June 30, 1905, the Commission decided adversely to the applicant.

The record shows that on May 20, 1902, the Commission rendered a decision adverse to this applicant which was approved by the Department; that thereafter, on March 22, 1904, (I.T.D. 7162-190.) the Department remanded the case for further testimony and readjudication in accordance with present rulings.

The record further shows that the applicant is not identified on any roll of the Cherokee Nation; that though afforded ample opportunity he has failed to establish his claim to enrollment by any evidence whatever.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully

C.F. Larrabee
Acting Commissioner

M.M.M. (W)

(C O P Y)

D.C. 37593-1905

DEPARTMENT OF THE INTERIOR.

W C F
Y P
FMS

I.T.D. 9324-1905.

WASHINGTON.

August 3, 1905 .

The Commissioner to the
Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:

On June 30 , 1905, the Commission to the Five Civilized Tribes transmitted the record of the application for the enrollment of Washington Miller, as a citizen by blood of the Cherokee Nation.

On August 21, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes of May 20, 1902, rejecting the applicant.

March 22, 1904, said decision was rescinded and the case remanded to the Commission for further testimony and readjudication in accordance with present rulings. The applicant was 59 years of age at the date of the application therein. He claims to be 1/4 Cherokee blood. He was born in the Cherokee Nation and lived there until 1861, when he removed to the State of California, where he continued to reside until 1900. He states that his name was on the 1852 Cherokee roll.

It appears from the decision of the Commission to the Five Civilized Tribes that his name is not on any roll of the Cherokee nation in possession of the Commission, and that he had never been readmitted to citizenship in the Cherokee Nation, or made application for such readmission.

The record shows that on May 25, 1904, the Commission notified the applicant that he would be permitted to appear before it on June 17, 1904, and introduce such testimony as he might desire, but that no appearance was entered by or on behalf of the applicant.

On June 30, 1905, the Commission to the Five Civilized Tribes rendered a decision holding that in accordance with the ruling of the Department in the case of Clara A. Ward, (I.T.D. 3096-1905), and other rulings of the Department rendered previous thereto, the applicant is not entitled to enrollment.

Reporting July 26, 1905, the Indian Office recommended that the decision of the Commission to the Five Civilized Tribes be approved.

The Department concurs in said recommendation, and the decision is affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R-568.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JK

Muskogee, Indian Territory, August 11, 1905.

Washington Miller,

Summerville, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior on August 3, 1905.

Respectfully,

W. O. Beall

GHL

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R-568.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 11, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed herewith a copy of Departmental letter of August 3, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Washington Miller as a citizen by blood of the Cherokee Nation.

Respectfully,

W. C. Beall

Acting Commissioner.

Incl. I-193.

GHL

Return to W
Uncle James

Cherokee Land Office Tahlequah.

Advisting that thirty days from
date will be allowed to appear and
offer additional evidence as to
right to enrollment in the Chero-
kee Nation.

Washington Miller,

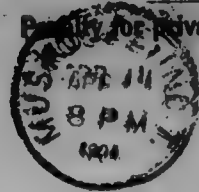
Summerville, Indian Territory.

Department of the Interior.

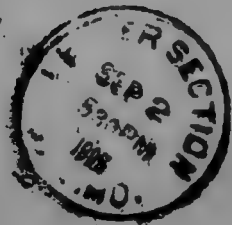
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

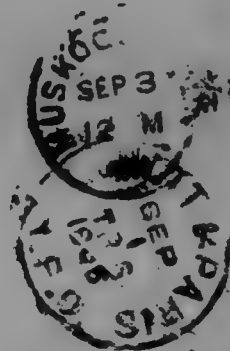


Washington Miller,

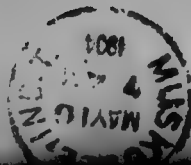
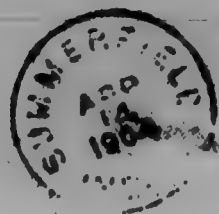
Summerville, Indian Territory.

Post 568
10857
Chas. R. 568

12
A.M.
1905



1905



CHEROKEE

CHEROKEE CASE

No.

CV 5168

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT
OF

[Faint handwritten text]

[Faint handwritten text]

As of the 1st of January 1880.

4 Encl.

M. J. [illegible]

[Handwritten signature]

Respectfully [illegible]

Very respectfully

for review

Attest the [illegible]

(105)

Commission to the Five Civilized Tribes.

*In the Matter of the Allotment of the Lands
of the ... Laws.*

Washington Miller.

DENIED

568

12

ACTION APPROVED BY
SECRETARY OF INTERIOR.

Le

Cher. R 569

Cher R 569

~~Minute 7~~
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 10 1900

Robtq

ACTING CHAIRMAN.

1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 30, 1900.

In the matter of the application of William Alston for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood; being sworn and examined by Commissioner Breckenridge, he testified as follows:

- Q What is your full name? A William Alston.
- Q What is your age? A 42.
- Q What is your post office address? A Wagoner.
- Q In what district do you live? A Cooweescoowee.
- Q Who is it you wish to have put on the rolls? A Myself and wife and two children.
- Q Do you apply for yourself as a Cherokee by blood? A By adoption.
- Q Have you a marriage license? A Not from the Cherokee Nation, I was married before I came to this country.
- Q You have only a United States marriage license? A I could not marry but under the United States laws because I wasn't here.
- Q You are an adopted citizen? A I reckon I am, I have been recognized by the Cherokee authorities all the way through.
- Q You have never married, then, in accordance with Cherokee law?
- A No, sir.
- Q Have you ever been admitted to citizenship by the Cherokee authorities? A By process of law directly applied to myself, no, sir.
- Q Are you on any of the rolls of the Cherokee Nation? A I think I am on two or three.
- Q Are you on the roll of 1896, the census roll? A Yes, sir, I am on the roll of 1894 as an adopted citizen; my wife was a citizen before I married her.
- Q How long have you lived in the Cherokee Nation? A 13 years.
- Q Have you lived all that time in the Cooweescoowee district?
- A That has been my home all the time. I have worked in other places.
- Q Give me the name of your father, please? A William Alston.
- Q Cherokee? A No, sir, a white man.
- Q Dead or alive? A Alive.
- Q Give me the name of your mother? A Mary Ann Alston.
- Q She is a white woman? A Yes, sir.
- Q She dead? A Yes, sir.
- Q Give me your wife's full name as your wife? A Williamina.
- Q Your wife was admitted by the Cherokee authorities? A Yes, sir.
- (The applicant presents a duly authenticated certificate signed by J. C. Adair, Chairman of the Commission on Citizenship, attested by C. C. Lipe, clerk of the Commission, approved and endorsed by D. W. Bushyhead, Principal Chief of the Cherokee Nation, and under the great seal of the Cherokee Nation, to the effect that on the 31st of August, 1887, certain persons were admitted to Cherokee citizenship, and among them appears the name of Williamina Alston, female, age 31 years.)
- Q That is the name of your wife, is it? A Yes, sir.
- Q And she was your wife at that time? A Yes, sir.
- Q Give me, please, the name of your wife's father? A George Waters Cleland.
- Q Cherokee or white man? A Cherokee.
- Q Dead or alive? A He is living.
- Q The name of her mother? A Mary Cleland.
- Q Cherokee or white woman? A White woman.
- Q Dead or alive? A Living.
- A Give me now the names of the two children for whom you apply?
- A You will find one name there, Mary Carlton Alston, that is an error, that is my stepdaughter, I think her name is on the rolls as Carlton, her name is Mary Carlton.
- Q She was admitted as Mary Carlton Alston? A Yes, sir, she was admitted on that certificate but I think she has been enrolled as Mary Carlton.
- Q Give me the child's real name? A Mary Carlton.
- Q How old is she? A She is 20.

Q You present here the certificate previously cited, in which there appears the name of Mary Carlton Alston, age at that time 7 years. You claim that this is intended as the name of the child for whom you now apply? A Yes, sir.

Q This child, I understand you to say, is the child of your wife by a former husband? A Yes, sir.

Q What is the name of the father of this child? A John H. Carlton.

Q He was a white man, was he? A Yes, sir.

Q He died before your marriage to your wife? A Yes, sir.

Q Give me now the name of the next child for whom you apply? A The next child is Susan Elizabeth Alston, 12 years old.

Q She was born since your wife was admitted to citizenship? A Yes.

Q Born since August 31, 1887? A Yes, sir, she was born March 7, 1888.

Q Both of these children are living at this time? A Yes, sir; there is one other child; I didn't intend to enroll the oldest child, she is of age, you have already enrolled my stepdaughter and I will have to enroll three.

Q Give me the name of the other child? A The other child is named Elizabeth Barnwell Alston, nine years old.

Q This first child is not 21 years of age? A She is 20.

(Williamina Alston on 1896 roll, page 99, No. 2, Williamina Alston, Cooweescoowee district. Mary Carlton on 1896 roll, page 123, No. 721, Mary Carlton, Cooweescoowee district; on 1894 roll page 116, No. 10, Mary C. Carlton, Cooweescoowee district. Susan W. Alston on 1896 roll, page 99, No. 2, Susan Elizabeth Alston, Cooweescoowee district; Elizabeth Barnwell Alston on 1896 roll, page 99, No. 3, Cooweescoowee district.)

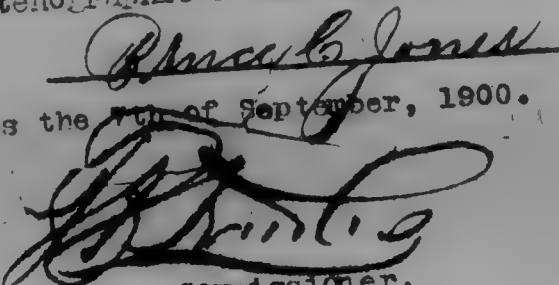
Q These children are all living at this time, are they? A Yes, sir.

The applicant applies for enrollment for himself, his wife and two children of his own. In the matter of the application for himself, it is shown that he wasn't admitted to citizenship by the Cherokee Commission at the time that his wife was admitted and that he was married to her at that time; nor has he been admitted to the Cherokee citizenship at any other time by any authority whatsoever. Neither has he ever been upon any of the rolls of the Cherokee Nation. Therefore, he comes under the provision of the act of Congress approved May 31, 1900, the Indian Appropriation Bill, which provides that this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such; said law further provides that the refusal of this Commission to entertain such application shall be final when approved by the Secretary of the Interior. It will also be observed that the applicant was never re-married to his wife in accordance with Cherokee law. Therefore, his application is rejected for lack of jurisdiction. If the applicant desires the Secretary of the Interior to consider the matter it will be referred to the Secretary upon his written application to that effect. As regards the application for his wife, she is shown to have been duly admitted to Cherokee citizenship August 31, 1887. She is identified on the roll of 1896, she has lived continuously in the Cherokee Nation ever since her admission. Her two children, Susan E. and Elizabeth B. Alston, are identified on the roll of 1896 and both of them have been born since their mother's admission to citizenship. The mother and these two children will now be listed for enrollment as Cherokees by blood. In regard to the application for Mary C. Carlton, she is identified on the rolls of 1894 and 1896 and on the latter roll she is identified as a native Cherokee, but as shown in the testimony, she is named in the certificate of admission as Mary Carlton Alston. This is claimed by the applicant to be an error, and very probably is, but the question arises about the authority to correct such an error outside of the Cherokee authorities themselves. For the further consideration of this point this application will be placed upon a doubtful card, for the consideration of the full Commission. The Commission's decision will be communicated to the applicant at his post office address and will be forwarded, with the testimony, to the Secretary of the Interior.

William Alston - 3.

Brace C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 7th of September, 1900.


Commissioner.

~~774441~~ 73-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 30 1900

R519



ACTING CHAIRMAN

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FILED
JAN 20 1907

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected, as he claims through marriage;

judgment stated.

Cherokee R 569

ED

1992

Handwritten signature

Actual

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of William Alston, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. 4. 569, it is entitled William Alston, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED).

T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.569.

(COPY)

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 569.

Muskogee, Indian Territory, February 14, 1902.

Mr. William Alston,
Wagoner, Indian Territory.

Sir:-

On the 30th day of August, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married to Williamina Cleland sometime prior to August, 1887, but such marriage was not within the limits of the Cherokee Nation, nor in accordance with the laws and customs thereof. Your wife, Williamina Alston, appears to have been admitted to citizenship on the 31st day of August, 1887, and it appears that you were never remarried to her by authority of a marriage license issued by the Cherokee authorities. You are not identified upon any of the rolls of the Cherokee Nation.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of

eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Section 659. . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware, or Shawnee woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . . ."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal; . . ."

Under the foregoing provisions of the Cherokee law as applied to the facts in this case, it is considered that you have never

acquired the rights of an intermarried white person entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) ~~T. B. Needles~~

Register.

~~Acting Chairman.~~

Commissioner in Charge.

June 28 1915

ARTING CO.

19541.

Department of the Interior.

L.R.S.

Washington.

R.

J.P.

April 2, 1902.

I. T. D. 1919-1902.

D. C. 5795-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R. 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of William Alston, R 569, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Res ectfully,

Thos. Ryan,

Acting Secretary.

E.H.D.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.
APRIL 1, 1908.

Confidential to the Five Civilized Tribes,
Indian Territory.

The Department has considered the application of Benjamin J. Peterson for admission as a naturalized citizen of the United States, and decision of that date respecting the application.

It appears that the applicant was married to a Cherokee woman, and that he was not married to her at the time of his application for admission as a citizen of the United States. The Department has decided that the applicant is not eligible for admission as a citizen of the United States.

The Department has also considered the application of the Five Civilized Tribes for admission as a citizen of the United States, and decision of that date respecting the application.

L. R. S.

T.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1329-1902.
1328-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 3, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 26, 1898, (30 Stat., 495), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1903,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Cherokee-B-532.

Muskogee, Indian Territory, April 15, 1902.

Mr. William Alston,
Wagoner, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-589.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

SIR:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of William Alston, Cherokee No. R 589, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,


Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of William Gilson for enrollment as citizen of the
Cherokee Nation.

Attorney for Cherokee Nation.

Cherokee No. 9,501

Cher R 570

Cher R 570

APR 10 1860
ADMISSION TO THE LANE GALLERY

11/11/11

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 30th, 1900.

IN THE MATTER OF THE APPLICATION OF Thomas Harris and wife, for enrollment as citizens of the Cherokee nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Thomas Harris.
Q What is your age? A Twenty two.
Q What is your Postoffice? A Muskogee.
Q What is your District? A Canadian.
Q For whom do you apply for enrollment? Yourself?
A Myself and wife.
Q Is that all? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A Twenty one years.
Q Have you lived here all your life? A No sir; twenty one years.
Q Are you on the roll of 1880? A Yes sir.
Q How long have you lived in Canadian District? A Twenty one years.
Q What is the name of your father? A Thomas Harris.
Q The same as yours? A Yes sir.
Q Cherokee or white man? A Cherokee.
Q Is he dead or living? A Dead.
Q How long has he been dead? A About nine-teen years, I guess.
Q What is the name of your mother? A Mattie Harris.
Q Cherokee or white woman? A White woman.
Q Is she dead or living? A She is living.
Q What is your wives full name at this time? A Lessie Harris.
Q Do you apply for her as an intermarried citizen? A Yes sir.
Q How old is she? A Nineteen.
Q What was her name before you married her? A Lessie Oakley.
Q When were you married? A January, 1900.

(1880 Roll, Page 22, #600, Thomas Harris, Canadian District)
(1896 Roll, Page 35, #951, Thomas Harris, Canadian District)

The applicant applies for the enrollment of himself and wife: In his own case, he is identified on the rolls of 1880 and 1896, as a Native Cherokee; he has lived in the Cherokee nation continuously ever since his enrollment in 1880; and he will be listed now for enrollment as a Cherokee citizen by blood.

In the matter of the application of his wife, he states that she is a white woman, and that he was married to her in January, 1900: That is too late for her to acquire the right of enrollment under Cherokee law, and she is of course not upon any of the rolls of the Cherokee nation: Therefore, the application for her comes under the provision of the Act of Congress, approved May 31st, 1900, "Indian Appropriation Bill", which provides that this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen in any Tribe in the Indian Territory, who has not been duly enrolled, or admitted as such. This is final, when approved by the Secretary of the Interior. And if the applicant desires his application for his wife to be forwarded to the Secretary of the Interior, and will so state in writing to this Commission, it will be done. The application for her will be placed on a list of those cases rejected for lack of jurisdiction.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 11th day of September, 1900.


COMMISSIONER

Mem 92 *73-*
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Gold
FILED

AUG 29 1900



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date August 30th 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name *Leslie Harris, Muskogee, Ok.*

District Year Page No.

Citizen by blood *Yes* Mother's citizenship

Intermarried citizen *No*

Married under what law Date of marriage *Jan 1900*

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Adoption

ATTENTION THE INTER

OFFICE

1901

FILED

1901

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected, married in 1900 to Cherokee husband;
judgment stated.

Cherokee R 570

D

R/570

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902



ACTING CHAIRMAN.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Lessie Harris, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and seventy, it is entitled Lessie Harris, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *I. B. Needles.*

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

113
2 370

Muskogee, Indian Territory.

February 14, 1902.

Louise Harris,

Muskogee, Indian Territory.

Sir:

On the 30th day of August, 1900, your husband, Thomas Harris, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in January, 1900, to your said husband, a citizen by blood of the Cherokee Nation; that you are not identified upon the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 25, 1896 (30 Stat. 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other

persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1898. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter VII, Article XVI, Sections 659 to 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith are hereby repealed."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the

R 570----3

Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Inclosure

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered 111 12 1901 in the matter of the application
of Lizzie Harris for enrollment as citizen of the
Cherokee Nation.*

Attorney for Cherokee Nation.

Cherokee No.

R570

COMMISSION TO THE

1911

1912

ACTING CHAIRMAN

L. R. S.

J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2157-1902.
D. C. 5997-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Lessie Harris, R 570, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S.

F.

J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that "it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying "a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

1
MAY 2 1962

ACTING CHAIRMAN

Cherokee R-570

Muskogee, Indian Territory, April 17, 1902.

Lessie Harris,

Muskogee, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner, In Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee R-570

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Lessie Harris, Cherokee No. R-570, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Asting Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2393

Lessie Harris,

Muskogee,

Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



6888

Lessie Harris

Muskogee

J. H. H. H.



Cher R 571

Cher R 571

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 20 1901



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Pryor Creek, I. T., September 11, 1900.

In the matter of the application of Marcus R. Wood for himself and his children for enrollment as citizens of the Cherokee Nation. The said Marcus R. Wood, being duly sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Marcus R. Wood.
Q What is your age? A Sixty-four years old.
Q What is your postoffice address? A Pryor Creek, I. T.
Q What district do you live in? A Cooweescoowee.
Q Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q By blood or intermarriage? A By marriage.
Q Are your father and mother noncitizens? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Twenty-six years.
Q What is the name of your wife? A Elsie Jane.
Q When did you marry her?
A In 1867.
Q Is she now living? A She has been dead about 12 years.
Q Did you live continuously with her until the time of her death? A Yes, sir.
Q Have you married since her death? A No, sir.
Q Have you any children? A I have two.
Q What is the name of the oldest one? A Foster, he is eighteen years old.
Q What is the name of the next one? A Willie.
Q How old is Willie? A He is fifteen.
Q Are these children alive and living with you? A Yes, sir.
Q You never were married after you came to this Nation?
A No, sir.
Q You were married in the state? A Yes, sir.
Q You are not on the eighty roll, then? (No answer.)
Q Where were you married? A In Texas.
Q What year? A 1867.
Q You were not married according to the laws of the Cherokee Nation? A No, sir.

- (Alsie J. Wood identified on 1880 roll, page 209, No. 3460, A. J. Woods, Cooweescoowee District.)
(Foster R. Wood identified on 1896 Census Roll, page 278, No. 5045, Cooweescoowee District.)
(William C. Wood identified on 1896 roll, page 278, No. 5046.)
Q Are these children alive and living with you? A Yes, sir.
Q Have they always lived in the Cherokee Nation? A Yes, sir.
Q Are they the children of Alsie Wood, Alsie J. Wood, your wife? A Yes, sir.

Under the provision of act of Congress of May 31, 1900, the COMMISSION was given jurisdiction to receive certain applications, but was not given jurisdiction to receive, or consider or make any record of your application for the reason you are not a recognized citizen of the Cherokee Nation, and are not duly and lawfully enrolled or admitted as such. If you desire to have the Secretary of the Interior consider your case you will so state to this Commission in writing, and that will be submitted to the Secretary of the Interior. Consequently, your application for the enrollment of yourself is rejected. The names of Foster E. and William C. are found upon

the Census Roll of 1896; the name of their mother Alsie is developed upon the authenticated roll of 1880 as a Cherokee by blood. Satisfactory proof having been made as to the residence of Foster E. Wood and William G. Wood, and they being duly identified according to the pages and number of roll, as indicated in the testimony, they will be duly enrolled and listed as citizens by blood.

The undersigned being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes.

(Signed) William S. Wellshear.

Subscribed and sworn to before me this the 12th day of September, A.D.1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

(Arthur G. Croninger)

Subscribed and sworn to before me this 19th day of November, 1901.

M. D. Green
Notary Public.

~~1711155~~ 73-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED N 511
SEP 11 1900

[Signature]
SPECIAL AGENT

CHEROKEES BY BLOOD AND ADOPTION.

Name Marcus R. Wood Date SEP 11 1900 Page No. 1900.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Date of marriage

Married under what law License Certificate

Wife's name District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Date of marriage

Married under what law License Certificate

Names of Children Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

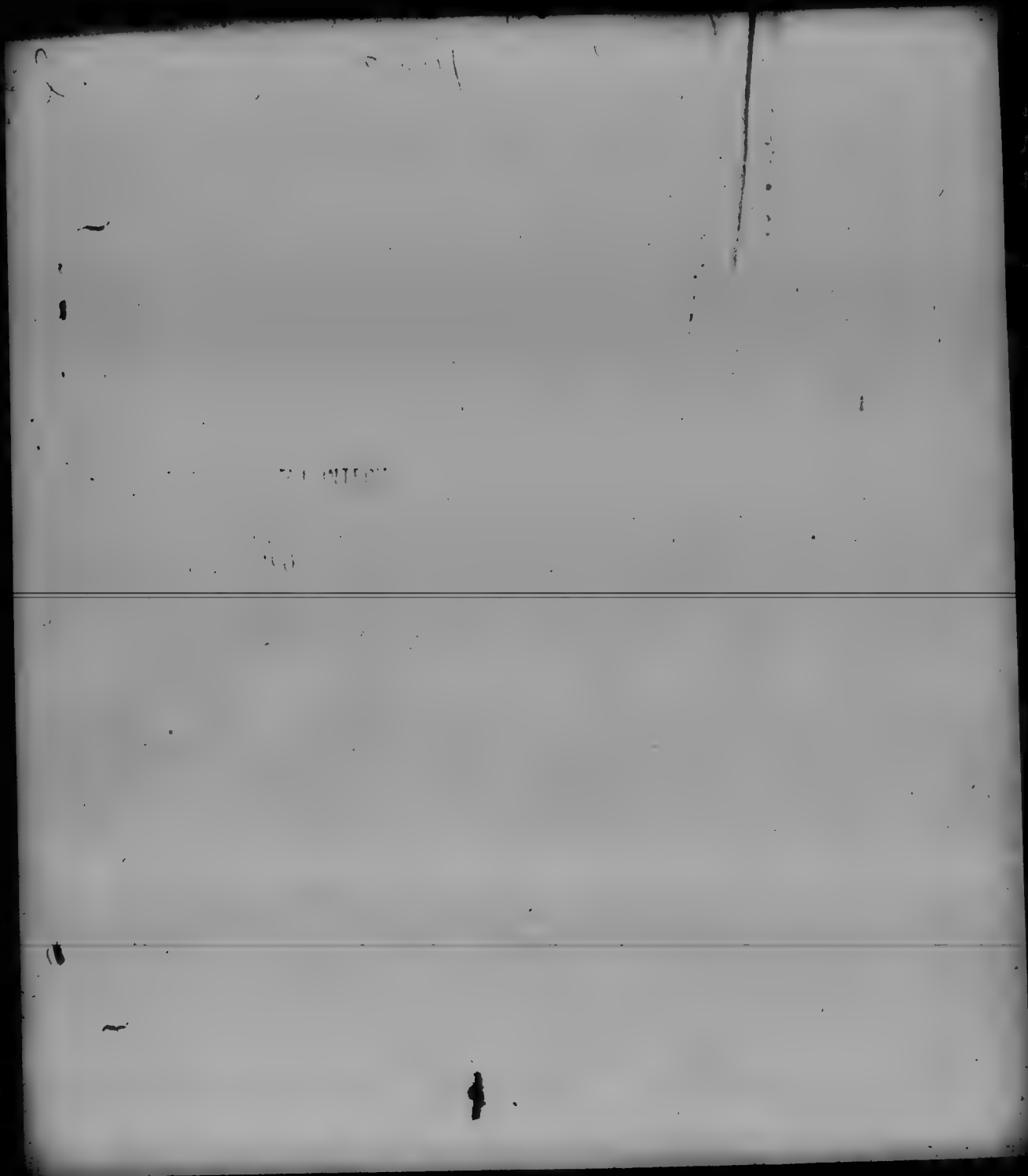
Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age



COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Male rejected; married to Cherokee wife, but
only under United States license; on no roll; judgment stated.

Cherokee R 071

OFFICE OF THE SECRETARY OF THE ARMY

FILED

21 1902

ACTING SECRETARY

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Marcus R. Wood, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 571, it is entitled Marcus R. Wood, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

I. B. Neccico.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Encl. C-R.571.

(COPY)

Cherokee B-571

Washburn, Indian Territory. February 14, 1902

Mr. Marcus F. Wood,
Pryor Creek, Indian Territory.

Sir: On the 11th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in accordance with the laws of Texas in the year 1887, to your wife, a citizen by blood of the Cherokee Nation. It further appears that your wife died about twelve years ago. The testimony does not disclose that you were ever married in accordance with the laws of the Cherokee Nation; that you are not identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provisions of the Act of Congress approved June 28, 1898, (30 Stat., 495):

* That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by

reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of the same; --"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 659:--every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware, or Shawnee woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.--"

Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of

such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation except as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

BY (Signed) ~~Thomas B. Needles~~

Inclosure.

~~Acting Chairman.~~

Register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 12 1902 in the matter of the application
of *Mianena Redford* for enrollment as citizen of the
Cherokee Nation

Cherokee No. *1111*

W. C. Redford
Attorney for Cherokee Nation

COMM. ON

APR 18 1902

ACTING CHAIR

L.R.S.

19541.

R.

J.P.

I. T. D. 1920-1902.
D. O. 5797-1902.

Department of the Interior,

Washington, April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Marcus R. Wood, R 571, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary,
E.M.D.

L. R. S.

T.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659. * * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 860. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokee, Delaware or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 868. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Cherokee-R-571.

Waskagee, Indian Territory, April 15, 1908.

Mr. Marcus R. Wood,

Pryor Creek, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1908.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLE.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-571.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Marcus R. Wood, Cherokee No. R 571, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2125

Unclaimed

Mr. Marcus R. Wood,

Pryor Creek,

Indian Territory.

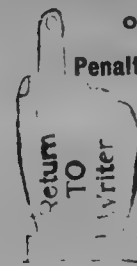
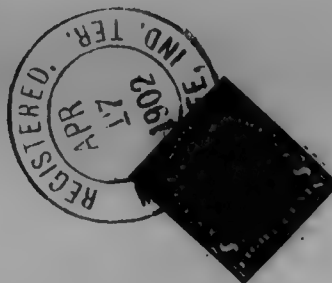
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



629

Marcus R. Wood

Pryor Creek

Ind. Ter.



Cher R 572

Cher R 572

~~Memo 80~~

V577

19/

CC

SEP 20 1977

STIMAN

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 18, 1900.

In the matter of the application of Love Peabody Ballard for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Ballard being sworn by Commissioner C. L. Breckinridge, testified as follows:

Q Give me your full name, please? A Love Peabody Ballard.
Q How old are you? A 21.
Q What is your last office? A Vinita.
Q What district do you live in? A Delaware.
Q What is it you want to have put on the roll? A Myself, wife and three children.
Q Do you apply for yourself as a Cherokee by blood? A No, sir.
Q Your wife is a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood has she? A One-thirty-second.
Q Have you a marriage license and certificate? A Yes, sir.

C. L. Breckinridge:--The applicant presents a United States marriage license and certificate showing that he was licensed by the Clerk of the United States Court Northern District, Indian Territory, on February 10, 1899 to marry Mrs. Johnnie A. Hopkins, and he was married to her on February 20, 1899, by the Reverend R. S. Baker. These papers are filed herewith.

Q What was your wife's name before it was a Hopkins? A Powell.
Q That was her maiden name was it? A Yes, sir.
Q When was she married to Hopkins? A I could not say.
Q Your wife is a Cherokee however? A Yes, sir.

C. L. Breckinridge:--The applicant presents a marriage license issued by the Clerk of Delaware district, authorizing his marriage between J. A. Powell, a Cherokee citizen, and Luther Hopkins. License dated August 10th, 1887, and certificate shows that they were married in accordance with said license on the 7th day of September, 1887, by the Reverend A. J. Crisp.

Q When did Hopkins die? A I could not tell you.
Q Your wife is a native of the Cherokee Nation? A Yes, sir.
Q Lived here all her life? A I could not say as to that.
Q You say she was born here? A Yes, sir.
Q How old is she now? A 31.
Q What is the name of her father? A John Powell.
Q Cherokee or white man? A White man.
Q Dead or alive? A Dead.
Q How long since? A I could not say.
Q Her mother's name? A Annie.
Q Cherokee or white woman? A Cherokee.
Q Dead or alive? A Alive.

1880 enrollment; page 302, #2035, Johnnie Powell, Delaware.
1896 enrollment; page 479, #1399, Johnnie Hopkins, Delaware.

Q Now these children, give me their names, please? A Maud S. Hopkins.
Q How old is that child? A Eleven years old.
Q The next child? A Thomas Albert Hopkins.
Q How old is that child? A Eight.
Q The next child? A Stella L. Ballard.
Q Born the 23d of last August? A Yes, sir.

Lovel Peabody Ballard-2.

1896 enrollment; page 479, 1400, and Sumerville Hopkins, Delaware.

1896 enrollment; page 479, 1401, Thomas Albert Hopkins, Delaware.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and three children:

(Q All of these children are the children of your wife by a former husband? Yes, sir. The last one is a child of this marriage.)

His wife is identified on the rolls of 1890 and 1896 as a native Cherokee. Her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood. The two children, David S. and Thomas A. Hopkins, children of the former marriage of the applicant's wife, are identified on the roll of 1896. They are living at this time and they will be listed now for enrollment as Cherokees by blood. The child Stella L. Ballard, a child of the present marriage is too young to be on the roll. When the Commission is supplied with a duly authenticated certificate of the birth of this child, then it also will be listed for enrollment as a Cherokee by blood.

In regards to the application of the applicant himself: He is shown by the marriage license and certificate filed herewith, to have been married to his Cherokee wife under United States law in 1892, too late for him to be on the roll, and also too late under Cherokee law for him to acquire rights as a Cherokee citizen by inter-marriage; therefore, he ~~was not~~ not being on any roll, or having been admitted in any manner to Cherokee citizenship, the Commission has no jurisdiction over his case, and the record will be made accordingly. He is desiring the decision in his case to be reported to the Secretary of the Interior, it will be done so upon the reception of a written request from him.

---00000000---

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Brown

Subscribed and sworn to before me this 20th day of September, 1900.

C. M. Brown

Commissioner.

50

SEP 18 1900

ACTING CHAIRMAN

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Name Louis P. Ballard, Anita D. Date SEP 13 1900 1900.

District _____ Year _____ Page _____ No. _____

Citizen by blood Yes Mother's citizenship _____

Intermarried citizen Yes

Married under what law Yes Date of marriage 1899

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License Filed SEP 18 1900 Certificate Filed SEP 18 1900

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Marriage license & certificate attached,

Noted

80

CERTIFICATE OF MARRIAGE.

R-572,

-----00-----

Cherokee Nation,)
Delaware Dist.)

To any regular or duly ordained minister of the Gospel, or any of the Judges or Clerks of this Nation to execute and return.

GREETING: You are hereby commanded in the name of the Cherokee Nation to solemnize the rites of Matrimony between Mr. Luther Hopkins and J. A. Powell, a legal citizen of the Cherokee Nation by blood; the said Luther Hopkins having complied with the law regulating intermarriage of white men and foreigners.

Given on this the 10th day of Augst 1887.

T. J. McGhee.
Clerk Del Dist. C.N.

This is to certify that on the 4th day of Sept, A. D. of our Lord 1887 the marriage Ceremony was duly, performed by the under assigned between the withinpartys in these Licens Given my hand this day and date above writen.

Rev.

A. J. Crisp.

This is to certify by me that the within Licens and marriage certificate Recorder By me on this the 15th Day of September A.D. 1887.

DEPARTMENT OF THE INTERIOR, T. J. McGhee,
COMMISSION TO THE FIVE CIVILIZED TRIBES. Clerk Delaware District C.N.

Muskogee, I. T., April 10, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of

Lovell P. Ballard. as citizen of the Cherokee Nation.

Commissioner.

R572

Lovell P. Ballard

as citizen of the Cherokee Nation.

Commissioner.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT. }

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 15 day of May, 1899, at _____ M., and duly recorded in Book "H", Marriage Record, Page 119.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this 28 day of May, A. D. 1899.

Jas. A. Winston, Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 1902 ~~1900~~.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of _____.

MARRIAGE LICENSE.

R-572

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, } SS.
 NORTHERN DISTRICT.

No. 866

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between

Mr. Lovel P. Ballard, of Vinita, in
 the Indian Territory, aged 20 years, and Mrs Johnnie A. Hopkins,

of Vinita, in the Indian Territory, aged 29 years,

according to law, and do you officially sign and return this license to the parties therein named.

Vinita

WITNESS my hand and official seal at ~~Winkler~~, Indian Territory this 10th day of

February A. D. 1899.

Jas. A. Winston.

Clerk of the U. S. Court.

By J. C. Anderson Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT, }

I, R. S. Baker, a Minister of the Gospel, Do HEREBY CERTIFY,
that on the 28th day of February, A. D. 1899, I did duly and

according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS my hand this 28th day of February A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book "B", Page 238.

R. S. Baker

A Minister of the Gospel.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE INDIAN TRIBES

FILED

MAY 20 1901

[Handwritten signature]

COMMISSIONERS.

HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected, as claims by marriage; judgment

stated.

Cherokee R 572

F.

R.

1

Cl

JAN 21 1902

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Lovel P. Ballard, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and seventy-two, it is entitled Lovel P. Ballard, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-572.

Cherokee R-572.

Muskogee, Indian Territory, January 28, 1902.

Mr. Lovell Peabody Ballard,
Vinita, Indian Territory.

Sir:

On the 18th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. It appears from the testimony in this case that you were married on the 28th day of February, 1899, to one Mrs. Johnnie A. Hopkins, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law,

enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same ; . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 659: --every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. --"

"Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall

have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

By (Signed) Tams Bixby,

Acting Chairman.

Register.

(COPY)

Re fer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 859 to Sec. 869, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

CAY
D

273 inclosures.

18965.

F.

I. T. D. 882-1902.
D. C. 3874.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February, 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On January 28, 1902, you rendered a decision in a number of cases of parties applying for enrollment in the Cherokee Nation as citizens by intermarriage, holding that as the parties were married to Cherokee Indians after December 16, 1895, the date of the Cherokee law which provides, "That from and after the passage of this act all non-citizens who marry Cherokees by blood Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging to the people of the Cherokee Nation", etc., they were not entitled to enrollment.

Among such cases was that of Lovel P. Ballard, memorandum No. R. 572. On the same day you notified Ballard that as he was married February 28, 1899, under authority of a marriage license issued by other than the authorities of the Cherokee Nation, he was not entitled to enrollment, calling his attention to pages 329 and 331 of the "Laws of the Cherokee Nation" (1892), which require that marriage licenses should be obtained from "any of the district clerks of the several districts" of the Cherokee

Nation.

No reference was made in this notice to the act of December 16, 1895. Attention is called to Departmental letter of even date in the case of William J. Smith.

Finding no reason to disturb your decision it is affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 572.

Muskegee, Indian Territory, March 14, 1902.

Level P. Ballard,

Vinita, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-572.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Lovel P. Ballard, Cherokee No. R. 572, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge
Commissioner in Charge.

Cherokee-R-572.

Muskogee, Indian Territory, April 12, 1908.

Mr. Lovell P. Ballard,

Vinita, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, marriage license and certificate showing your marriage on the 28th, day of February, 1898, to Mrs. Johnnie Hopkins.

Your case having been finally disposed of, this marriage license and certificate is herewith returned to you.

Yours truly,

Commissioner in Charge.

Encl.-572.

Cher R 573

Cher R 573

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF George Payton and wife for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A George Payton.
Q What is your age? A Twenty nine.
Q What is your Postoffice? A South West City, Missouri.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the rolls; yourself?
A Myself and wife.
Q Just yourself and wife? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Your wife is a Cherokee, is she? A Yes sir.
Q What proportion has she? A Five eighths I believe.
Q Have you a marriage licence and certificate? A Yes sir.
Q Is this the licence and certificate under which you claim?
A Yes sir.
Q This is a United States licence: Were you ever married according to Cherokee law? A No sir.
The applicant presents a United States licence, dated April 3rd, 1900, issued by the Clerk of the United States Court, Northern District of the Indian Territory, authorizing his marriage to Miss Charlotte Fields, of South West City, in the State of Missouri, age then twenty one years, and the certificate shows that they were married on the same day by the Clerk of the United States Court: These papers are filed herewith.
Q You say your wife is a Cherokee? A Yes sir.
Q Your marriage licence speaks of her as living in Missouri; how about that? A He asked me my postoffice, and I told him South West City.
Q That simply means her Postoffice? A Yes sir.
Q Where was she born? A In Delaware District.
Q How long has she lived in the Cherokee Nation? A All her life.
Q Is she on the roll of 1880? A I do not know.
Q Was she ever admitted to Cherokee citizenship by the Cherokee Commission or Council; or did she just live here all her life?
Q She lived here all her life; She drewed strip money.
Q Give me the name of your wife's father? A George Fields.
Q Cherokee or white man? A Cherokee.
Q Is he dead or living? A He is living.
Q The given name of your wife's mother? A Bettie.
Q Cherokee or white woman? A Cherokee.
Q Is she dead or living? A Living.

(1880 Roll, Page 256, "1008, Charlotte Fields, Delaware Dis't)
(1896 Roll, Page 470, "1148, Charlett Fields, Delaware Dis't)
The applicant applies for the enrollment of himself and wife: His wife is identified on the rolls of 1880 and 1896, as a Native Cherokee; she has lived in the Cherokee Nation all her life, and her change of name is established by the marriage licence and certificate filed herewith. She will now be listed for enrollment as a Cherokee by blood.

As for the application for himself, he is shown by the marriage licence and certificate to have been married in the present year, under a United States licence: He is a white man, and is not on any roll, nor has he been admitted in any manner at any time to Cherokee citizenship: Therefore, the Commission has no jurisdiction in his case, and his application for his own enrollment is rejected, for lack of jurisdiction? If he wants this fact reported to the Secretary of the Interior, it will be done, upon his written request.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the

testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. R. Cravens

Subscribed and sworn to before me
this 20th day of September, 1900.

A. R. Cravens

COMMISSIONER.

Mem 8/12

25413

RECEIVED

SEP 19 1967

CHEROKEES BY BLOOD AND ADOPTION.

Date, SEP 19 1900 1900.

Name James Earl Ray

District Year ... / ... Page No.

Citizen by blood **Mother's citizenship**,

Intermarried citizen

Married under what law Illinois Date of marriage 12/20/2006

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood **Mother's citizenship**

Intermarried citizen

Married under what law _____ / Date of marriage _____

SEP 19 1950

License *Fila* Certificate *Fila* SEP 19 1950

~~Names of Children:~~

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. / Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year..... Page..... No..... Age.....

Dist. _____ Year _____ Page _____ No. _____ Age _____

R 573

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE WHITE TRIBES

FILED

MAY 20 1907

Handwritten signature

COMMISSIONERS.

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected, as claims by marriage; judgment.

stated.

Cherokee R 573

REPAIRED
COMMISSION TO THE UNITED STATES

FILED
JAN 24 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of George Payton, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 573, it is entitled George Payton, and is known as a Cherokee rejected application.

Respectfully,

SIGNED *T. B. Needles.*

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.573.

(COPY)

Cherokee R-573

Muskogee, Indian Territory, February 14, 1902.

Mr. George Payton,

Southwest City, Missouri.

Sir:-

On the 19th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee nation.

It appears from the testimony in this case that you were married on the 3rd day of April, 1900, to one Charlotte Fields, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose par-

ents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commissionheretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 659: - - every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - -"

"Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who

are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'

"Section 863: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) T. B. Needles

Acting Chairman.

Commissioner in Charge.

Inclosure.

Register.

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

I.T.D.1921-1902.
D. C.5796-1902.

WASHINGTON, April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of George Payton, R 573, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.H.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man; or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokee, Delaware or Shawnee by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1903,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
R.H.D.

1 inclosure.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE NATIONAL ANTHROPOLOGICAL ARCHIVES

FILED

APR 16 1902

ACTING CHAIRMAN

Cherokee-R-573.

Muskegee, Indian Territory, April 15, 1902.

Mr. George Payton,
Southwest City, Missouri,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of _____, for enrollment as _____ citizen _____ of the
Cherokee Nation...*

Cherokee No.

R 590.

Handwritten signature
Attorney for Cherokee Nation.

COMMISSIONERS
HENRY I. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLE,
C. R. BRICKNIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-573.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of George Payton, Cherokee No. R 573, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 574

Cher R 574

Mem 82A

51A

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 22 1900



ACTING CHAIRMAN.

Handwritten notes and signatures in the bottom right corner, including a large 'B' and some illegible text.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 20, 1900.

In the latter of the application of Ida Lee Ballenger for the enrollment of herself, child and husband as Cherokee citizens; being sworn and examined by Commissioner Brackinridge she testified as follows:

Q What is your full name? A Ida Lee Ballenger.
Q How old are you? A Twenty-one.
Q What is your post-office? A Vinita.
Q What is your district? A Delaware.
Q Who is it you want to have put on the roll? A Myself and child, and husband if he is entitled to it.
Q Your husband here? A Yes sir.
(Applicant's husband called)

CLAUDE N. BALLENGER, being sworn and examined by Commissioner Brackinridge testified as follows:

Q What is your full name? A Claude N. Ballenger.
Q What is your age? A Thirty.
Q What is your post-office? A Vinita.
Q Are you the husband of this lady here? A Yessir.
Com'r Brackinridge: Just stand by in case I need to ask you some questions.

APPLICANT RE-CALLED:

Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A About one-sixteenth.
Q Your husband is a white man? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You are on the roll of 1880? A Yes sir.
Q What was your maiden name? A Ida Lee Giboney.
Q What district are you in in 1880? A Delaware.
Q When were you married? A Married February 1897.
Q Give me your father's name? A George Giboney.
Q Cherokee or a white man? A White man.
Q Dead or alive? A Alive.
Q Your mother's name? A Josephine Giboney.
Q White woman or a Cherokee? A Cherokee.
Q Dead or alive? A Dead.
Q How long since she died? A She died in 1881.
Q Now in regard to your husband, have you a marriage license and certificate? A Yes sir. (Produces papers)
Q Give me your husband's full name? A Claude N. Ballenger.
Q How old is he? A Thirty years old.
Com'r Brackinridge: The applicant presents marriage license and certificate, the license being issued by the Clerk of the United States Court for the Northern District of the Indian Territory in 1897, authorizing the marriage between herself and her husband as she states, and the certificate showing that they were married in accordance with said license on the 15th of February 1897, by the Rev. George W. Martin.
Q You and your husband have lived together ever since your marriage have you? A Yes sir.
Q Give me the name of your child? A Alma Lee.
Q How old is that child? A She was one year old the 20th of last November.
Q Have you a certificate of the child's birth? A Yessir. (Produces papers)
1880 roll page 261 #1129 Ida Gibney Delaware Dist, native Cherokee;
1896 roll page 476 #1327 Ida Lee Giboney Delaware District.

Ida Lee Hallenger et al 2

CONFIDENTIAL
The applicant applies for the enrollment of herself, her husband and one child; her husband appears with her in the application; she is identified on the rolls of 1890 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life; her Cherokee name is established by the marriage license and certificate filed herewith, and she will be listed for enrollment as a Cherokee by blood. When the Commission is supplied with a proper certificate of the birth of the child, Alma L. Hallenger, this child will also be listed for enrollment as a Cherokee by blood. As regards the application for the enrollment of her husband he is a white man, and is shown to have been married in 1897, and to have married in accordance with United States Law, and not in accordance with Cherokee Law; therefore the applicant's husband has never been admitted to Cherokee citizenship in any form, and he is not upon any roll of the Cherokee Nation, and the Commission has no jurisdiction over his case; a memorandum will be made of this application being rejected for lack of jurisdiction; if he desires this reported to the Secretary of the Interior, it will be done upon receipt of his written request to that effect.

D. Green being first duly sworn, states that as secretary to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

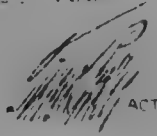
Subscribed and sworn to before me this 20 day of September 1900.


Commissioner.

RECEIVED 12/1/1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 26 1900



ACTING CHAIRMAN

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION

Date SEP 1900.

30 Name Claude M. Ball, Jr. or Vinita D.

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law no Date of marriage 1897

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

89

THE INTER

11 11 11
11 11 11

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Make rejected, marriage; judgment stated.

Cherokee R 574

DEPT. OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FILED

MAY 24 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Claude M. Ballenger, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. 574, it is entitled Claude M. Ballenger, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED).

T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.574.

(COPY)

Cherokee R-574

Muskogee, Indian Territory, February 14, 1902.

Mr. Claude N. Ballenger,

Vinita, Indian Territory.

Sir:-

On the 20th day of September, 1900, your wife, Ida Lee Ballenger, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 15th day of February, 1897, to your said wife, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1896, and that you bore your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1900, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose mar-

ents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 575: - - every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - -"

"Section 560: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said

clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission has been informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (SIGNED) T. B. Needles.

Inclosure.

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1932

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1932 in the matter of the application
of Claude N. Ballenger for enrollment as a citizen of the
Cherokee Nation.*

Cherokee No. R. 574.

*W. H. Hastings
Attorney for Cherokee Nation.*

COMM.

APR 16 1902

ACTING CHAIRMAN

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 2, 1902.

I. T. D. 1922-1902.

D. C. 5798-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Claude N. Ballenger, R 574, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

T.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokee, Delaware or Shawnee by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1903,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
N.H.D.

1 inclosure.

THE CHAIRMAN

AND THE MEMBERS

COMMITTEE

1902

REPORT OF THE CHAIRMAN

AND THE MEMBERS OF THE COMMITTEE

ON THE PROGRESS OF THE WORK

OF THE COMMITTEE DURING THE YEAR

APR. 16 1902

1902

[Signature]

ACTING CHAIRMAN

1902

Cherokee-R-574.

Muskogee, Indian Territory, April 15, 1902.

Mr. Claude N. Ballenger,
Vinita, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-574.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

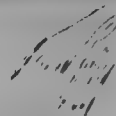
Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Claude N. Ballenger Cherokee No. R 574, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,



Acting Chairman.

Cher R 575

Cher R 575

N 575

~~Mem 83~~

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 22 1900



ACTING CHAIRMAN



REJECTED AS TO WILLIAM W. DENNIS, APPLICANT.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 20, 1900.

In the matter of the application of William W. Dennis for the enrollment of himself, wife and child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your full name? A William W. Dennis.
Q How old are you? A Twenty-two.
Q What is your post-office? A Vinita.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself my wife and child.
Q You apply for yourself as a Cherokee by blood? A By adoption.
Q Is your wife a Cherokee? A Yes, sir.
Q What proportion of Cherokee blood do you claim for her? A Quarter.
Q Have you got your marriage license and certificate? A Yes sir. (Produces them)
Com'r Breckinridge: The applicant presents license issued by the Clerk of the United States Court, Northern District of the Indian Territory, dated March 10 1898 authorizing his marriage to Miss Ola McGee, certificate shows that they were married in accordance with said license March 13 1898, by the Rev. L. A. Terry; this paper is filed herewith.
Q You never have been married except under that United States license? A That's all; they told me I couldn't get any other license at the time I was married.
Q You and your wife have lived together ever since you were married? A Yes sir.
Q And have lived all the time in the Cherokee Nation? A Yes sir.
Q Your wife's present name is Viola Dennis? A Yes sir.
Q How old is she? A Twenty-two.
Q Is she on the roll of 1880? A Yes sir.
Q She has lived in the Cherokee Nation all her life? A Yes sir.
Q From what district was she enrolled in 1880? A Delaware, born and raised in Delaware.
Q Her father's name? A Jeff McGee.
Q Cherokee or a white man? A Cherokee.
Q Dead or alive? A Alive.
Q Her mother's given name? A Martha.
Q Cherokee or a white woman? A White woman.
Q Dead or alive? A Been dead about three years.
Q Give me the name of your child? A Louis Lance Dennis.
Q How old is that child? A Four months old.
Applicant: I think my wife is on the roll of 1880 as Mary Viola. 1330 roll for wife, page 288 #1754 as W. V. McGee, Delaware District, native Cherokee;
189 roll page 300 #1955 Viola S. McGee, Delaware District.

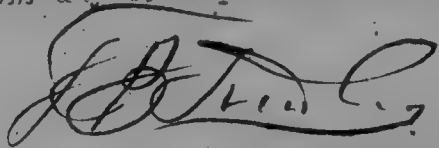
Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; his wife is identified on the rolls of 1880 and 1890 as a native Cherokee; she has lived in the Cherokee Nation all her life; her change of name is established by the marriage license and certificate filed herewith; she will be listed now for enrollment as a Cherokee by blood. When the Commission is supplied with a proper certificate of the birth of the child it also will be listed for enrollment as a Cherokee by blood. As regards the application of the applicant for himself, he is shown to have been married to his wife in accordance with United States law in 1898; he presents no other claim to enrollment as a Cherokee citizen; he is not upon any roll of the Cherokee Nation and has never been admitted in any manner to Cherokee citizenship; The Commission has no jurisdiction over his case, and a memorandum

William W. Dennis et al 2.

will be made the rejection of his application for lack of jurisdiction. He desires, the fact of this rejection, reported to the Secretary of the Interior when he so requests in writing.

D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

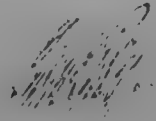
Subscribed and sworn to before me this 22 day of September 1900.



Commissioner.

B R 555
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 30 1900


Mem 82

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 20 1900 1900.

1 27 Name William W. Dennis, Jr., D.T.

District _____ Year _____ Page _____ No. _____

Citizen by blood no. Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage 1898

License _____ Certificate _____

2 Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License Filed SEP 20 1900 Certificate Filed SEP 20 1900

Names of Children:

3

Dist.	Year	Page	No.	Age
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Marriage license and cert. attached

1898

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-22-2001 BY 60322 UCBAW

SECRET

ADJUTANT GENERAL'S OFFICE
WASHINGTON, D.C. 20315

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-22-2011 BY 60322 UCBAW

INDIAN TREATY
TREATY OF 1867

I, JAMES A. WILSON, of Clark Co.,
Notary Public, do hereby certify
attached hereto is a true and
correct copy of the same as
shown to me by the said

MARRIAGE LICENSE.

UNITED STATES OF AMERICA.
INDIAN TERRITORY.
NORTHERN DISTRICT.

No-519

To any Person Authorized By Law to Solemnize Marriage--Greeting:
You are Hereby Commanded to Solemnize the Rite and publish the
Banns of Matrimony between Mr. Will Dennis of Vinita, in the
Indian Territory, aged 19 years, and Miss Ola McGhee, of Vinita, in
the Indian Territory, aged 20 years, according to law, and do you
officially sign and return this License with the parties therein named.
WITNESS my hand and official seal at Vinita, Indian Territory,
this 10 day of March, A. D. 1898.

(Signed) Jas A. Winston.

By (Signed) J. C. Anderson.
(SEAL)

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, L. A. Terry, Mayor and ex officio J. P. of Fairland, Ind. Ter.
DO HEREBY CERTIFY
that on the 13 day of March A. D. 1898, I did duly and according to
law as commanded in the foregoing License, solemnize the Rite and
publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 13 day of March A. D. 1898.
My Credentials are recorded in the office of the Clerk of the United
States Court, Indian Territory, Northern District, Book-----Page-----
(Signed) L. A. Terry.

Mayor and ex officio K.P. of the Incorporated town of Fairland, I. T.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the
Northern District, do hereby certify that the instrument hereto
attached was filed for record in my office on the 20 day of June
1898 at -----M, and duly recorded in Book G-----, Marriage
Record Page 3.

WITNESS my hand and seal of court at Vinita, in said Terri-
tory, this 21 day of July A.D. 1898.

Jas A. Winston, Clerk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 21, 1902.

I, the undersigned a member of the Commission to the Five Civilized
Tribes, do hereby certify that the above and foregoing is a true and
correct copy of the original offered in evidence in the matter of
the application for enrollment of Will Dennis as a citizen of the
Cherokee Nation.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION ON TO THE THE CIVILIZED TRIBES.

FILED
MAY 20 1901

100-100

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

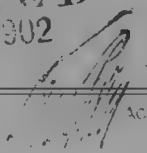
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected, - marriage; judgment stated.

Cherokee R 575

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 21 1902


ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of William W. Dennis, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 575, it is entitled William W. Dennis, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Encl. C-R. 575.

(COPY)

Cherokee R-575

Muskogee, Indian Territory, February 14, 1902.

Mr. William W. Dennis,

Vinita, Indian Territory.

Sir:-

On the 20th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 13th day of March, 1898, to one Ola McCee, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose par-

ents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto; and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of anyone of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as maybe entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 659: - - every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced, - -"

"Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said

clerk a certificate of good moral character signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delaware, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation except as hereinbefore authorized and provided, shall be legal."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings here in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission has been informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) ~~Tenn Kirby~~ *T. B. Needles.*

Acting Chairman.

Commissioner in Charge.

Inclosure.

Register.

COMMISSION

APR 18 1902

ACTING CHAIR

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 2, 1902.

I. T. D. 1925-1902.
D. C. 5800-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin T. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of William W. Dennis, R 575, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * * "

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
R.H.D.

1 inclosure.

100-10-100

Washington, D.C. April 10, 1934.

Mr. William L. Bennett,

Minister, United States Consulate,

Sir:

You are hereby advised that the Commission of the Government of the United States, Department of the Interior, has received your application for a permit to enter the interior of the United States for the purpose of conducting geological and geophysical surveys in the State of California.

COMMUNICATIONS SECTION
U.S. DEPARTMENT OF THE INTERIOR
WASHINGTON, D.C.

APR 11 1934
U.S. DEPT. OF THE INTERIOR

Very truly yours,
[Signature]
Acting Chief Clerk

Respectfully,

Cherokee-R-573.

Muskogee, Indian Territory, April 15, 1902.

Mr. William W. Dennis,

Vinita, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLE.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-575.

ALLISON L. AYLESWORTH.
SECRETARY

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of William W. Dennis, Cherokee No. R 575, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-575

Muskegee, Indian Territory, August 22, 1902.

William W. Dennis,

Vinita, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on March 13, 1898, to Miss Ola McGhee.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-1.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902 in the matter of the application
of William W Dennis for enrollment as citizen of the
Cherokee Nation.*

Cherokee No.

R 595

Attorney for Cherokee Nation.

Cher R 576

Cher R 576

~~How~~ *How* *How*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 24 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 20, 1900.

In the matter of the application of Cordelia Myers for enrollment as a citizen of the Cherokee Nation; said Myers being sworn by Commissioner W. W. Needles, testified as follows:

- Q What is your name? A Cordelia Myers.
Q Your age? A 21.
Q What is your post office address? A Housley, Texas.
Q What is the name of your mother? A Orlena T. Myers.
Q Is your name upon the authenticated roll of 1880? A Yes, sir, I think it is in Sequoyah district.
Q Upon examination of the rolls your name is not upon any of the rolls of the Cherokee Nation.
Q Where were you born? A Texas.
Q Where do you live now? A Yes, sir.
Q Always lived in the State of Texas? A Yes, sir.
Q Never have lived in the Cherokee Nation? A No, sir.

Your application for enrollment as a citizen of the Cherokee Nation is refused for the reason that under the Act of Congress approved May 31st, 1900, The Indian Appropriation Bill, This Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior.

The Commission will transmit this decision denying your application for enrollment to the honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation are sent to him for consideration and approval.

The applicant claims that her mother, Mrs. O. T. Myers, was admitted to Cherokee citizenship by the constituted authorities of the Cherokee Nation on the 11th day of September, 1888, and she presents a certificate of admission to Cherokee citizenship from the office of the Commission on Citizenship, signed by J. T. Adair, Chairman of the Committee on Citizenship, attested by Connell Rogers, Clerk of the Commission, approved and endorsed by J. L. Hayes, Principal Chief of the Cherokee Nation, and Henry Eiffert, Asst. Executive Secretary, under the great seal of the Cherokee Nation. Said certificate certifying that Mrs. O. T. Myers, aged about 29, was admitted to Cherokee citizenship and to all the rights thereof, on the 11th day of September, 1888, and that by reason of the admission of her mother, O. T. Myers, she claims citizenship.

---0000000000---

J. O. Henson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case; and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Henson

Subscribed and sworn to before me this 24th day of September, 1900.

W. W. Needles

Commissioner.

100-24 B 116

DEPARTMENT OF JUSTICE
COMMISSION TO THE INDIAN TRIBES

FILED
SEP 20 1900

U.S. DEPT. OF JUSTICE
WASHINGTON, D.C.

CHEROKEES BY BLOOD AND ADOPTION.

Date

SEP 20 1900

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

DEPARTMENT OF THE INTERIOR
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of
CORDELIA MYERS, for the enrollment of
herself as a citizen of the Cherokee Nation:

D E C I S I O N .

On the 20th day of September, 1900, Cordelia Myers
appeared before the Commission to the Five Civilized Tribes, and
made application for the enrollment of herself as a citizen of
the Cherokee Nation.

It appears from the testimony in this case that the
aforesaid applicant, twenty four years of age, was born and reared
in the State of Texas; and that she has never resided in the
Indian Territory.

The Commission is authorized to make rolls of citizenship
of the Cherokee Nation by the following provision of the Act of
Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes
as required by law, the Commission to the Five Civilized Tribes
is authorized and directed to take the roll of Cherokee citi-
zens of eighteen hundred and eighty (not including freedmen),
as the only roll intended to be confirmed by this and preceding
Acts of Congress, and to enroll all persons now living whose
names are found on said roll, and all descendants born since
the date of said roll to persons whose names are found thereon;
and all persons who have been enrolled by the tribal authori-
ties, who have heretofore made permanent settlement in the
Cherokee Nation, whose parents, by reason of their Cherokee
blood, have been lawfully admitted to citizenship by the
tribal authorities, and who were minors when their parents were
so admitted; and they shall investigate the right of all
other persons whose names are found on any other rolls, and
omit all such as may have been placed thereon by fraud, or
without authority of law, enrolling only such as may have
lawful right thereto, and their descendants born since such
rolls were made, with such intermarried white persons as may
be entitled to citizenship under Cherokee laws".

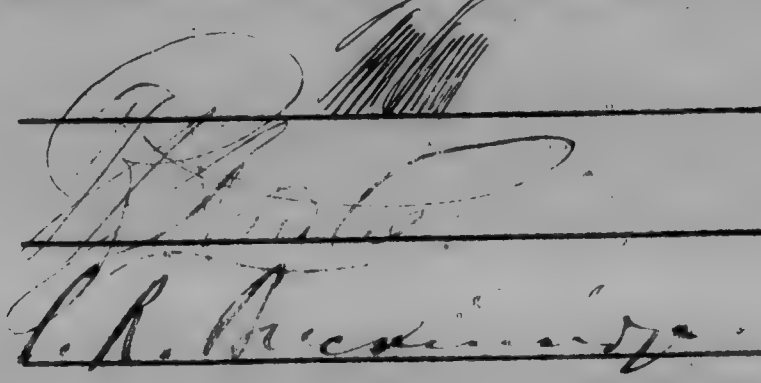
It further appears from the testimony that her mother,
Mrs. O. T. Myers, was admitted to citizenship on the 11th day of

September, 1888, by the Commission on Citizenship of the Cherokee Nation.

The applicant having been born in the State of Texas, and maintained a continuous residence in that State subsequent to attaining her majority, the law governing in this case is found in the Act of Congress approved June 28, 1898, (30 Stats., 495), Section twenty one, paragraph nine, which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship".....

WHEREFORE, it is the opinion of the Commission that the application for the enrollment of Cordelia Myers as a citizen of the Cherokee Nation, should be denied; and it is so ordered.



Commissioners.

Dated at Muskogee, Indian Territory,
on this 20 day of May, 1902.

DEPARTMENT OF THE INTERIOR
COMMISSION ON TO THE CIVILIZED TRIBES.

FILED
MAY 20 1901

Handwritten signature
3

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected; was admitted, but never came;

judgment stated.

. Cherokee R 576

7111184 C 1546

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 30 1900

[Signature]
CHIEF

Vinita, Indian Territory,

September 20th, 1900. 190 .

The Commission,

To the Five Civilized Tribes:

GENTLEMEN:

You are hereby advised that I desire that the application this day made by me for the enrollment of myself and those represented by me in said application, which was denied by the Commission, be submitted to the Honorable Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

Respectfully,

Cordelia Myers

No 84

Cordelia Myers

vs.

CHEROKEE NATION.

COPY.

Muskogee, Indian Territory, May 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Cordelia Myers for the enrollment of herself as a citizen of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application for the enrollment of the said Cordelia Myers as a citizen of the Cherokee Nation.

Very respectfully,

SIGNED *James Bixby.*

Acting Chairman.

Enc. R-576.

Through the Commissioner
of Indian Affairs.

COPY.

Chero. R-576.

Muskogee, Indian Territory, May 30, 1902.

Cordelia Myers,

Houston, Texas.

Dear Madam:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

UNED

Fannie Sixby.

Acting Chairman.

Enc. R-576.
Registered.

COMMISSIONERS
JERRY L. DAWES.
TIMS BIXBY.
THOMAS B. NEEDLES.
C. V. BRECKINRIDGE.

ALUSON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R-576.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of Cordelia Myers for the enrollment of herself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Acting Chairman.

Enc. R-16.

Refer in reply to
the following:
Land
31143-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Cordelia Myers for enrollment as a citizen of the Cherokee Nation.

It appears from the record that the applicant is 24 years of age; that she was born and raised in the State of Texas; and that she has never resided in the Cherokee Nation or Indian Territory.

The Commission declined to place her name on the rolls because she had never been a resident of the Cherokee Nation. The office agrees with the Commission's conclusions and respectfully recommends that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 14860-1902.

L. R. S.

EAR.

ITD. 5246-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 4, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With letter of May 20, 1902, you transmitted the record and your decision of that date, in the matter of the application of Cordelia Myers for enrollment as a Cherokee citizen.

It is shown by the evidence that the applicant, who is 24 years of age, was born and reared in Texas, and has never resided in Indian Territory. Paragraph nine, section 21, act of June 28, 1898 (30 Stat., 495), declares that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship." You denied the application.

Forwarding the papers August 18, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

RMD.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AVIESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 576.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Cordelia Myers for the enrollment of herself as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,



Acting Chairman.

COPY.

Cherokee R 576.

Muskogee, Indian Territory, October 7, 1902.

Cordelia Myers,

Housley, Texas.

Dear Madam:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,

Samuel Kirby.
Acting Chairman.

D.C. 9018-1904. JP THE LRS I.T.D. 5246-1902. 7162-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 17, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 4, 1902, the Department affirmed your decision rejecting the application of Cordelia Myers, for enrollment as a citizen of the Cherokee Nation.

September 21, 1903, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In your recommendation the Indian Office concurred, in its letter of October 7, 1903.

From the facts in the case the Department does not think it should be remanded. It is shown that at the time the testimony in the case was taken, the applicant was 24 years of age. She was born and reared in the State of Texas, and has never resided in the Indian Territory. Her mother was admitted to citizenship in 1888.

The Department finds no reason to disturb the decision of September 4, 1902.

Respectfully,

Signed. Thos Ryan

Acting Secretary.

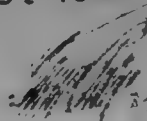
Cher R 577

Cher R 577

~~W. H. H. J.~~ AR 577

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

 J. H. CHAPMAN

COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 29, 1910.

In the matter of the application of John Samuel Myers for enrollment as a citizen of the Cherokee Nation; said Myers being sworn by Commissioner T. J. Lewis, testified as follows:

- Q What is your name? A John Samuel Myers.
Q What is your age? A 29.
Q What is your post office address? A Vinita, Texas.
Q Where do you live? A In Texas.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Of blood or inter-marriage? A Of blood.
Q What degree of blood do you claim? A I do not know.
Q Is your name on the authenticated roll of 1880? A Yes, sir.
Q For whom do you apply? A Just myself.
Q What is your father's name? A J. S. Myers.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Orlena T. Myers.
Q Is she living? A Yes, sir.
Q Cherokee citizen by blood? A My mother is.
Q Her name appears upon the authenticated roll of 1880? A Yes, sir.
Q Upon examination of the rolls of 1880 your name is not found thereon; is that right do you claim citizenship? A I have never been recognized by the Cherokee Nation? A Yes, sir.
Q Have you a certificate of admission? A My mother is, but I have not.
Q Are there others? A Yes, sir.
Q Your mother, Mrs. O. T. Myers, was admitted to citizenship on the 11th day of September, 1888, but your name is not found in said certificate, and your name is not upon any of the rolls in the possession of this Commission.
Q Where were you born? A Texas.
Q Have lived in Texas all your life? A Yes, sir.
Q Do not live in the Territory and never have? A No, sir.

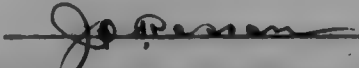
Your application for enrollment as a citizen of the Cherokee Nation is refused for the reason that under the act of Congress approved May 31st, 1900, The Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any Tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior.

The Commission will transmit this decision denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation are sent to him for consideration and approval.

The applicant claims that his mother, Mrs. O. T. Myers, was admitted to Cherokee citizenship by the constituted authorities of the Cherokee Nation on the 11th day of September, 1888, and he presents a certificate of admission to Cherokee Citizenship from the office of the Commission on Citizenship, signed by J. W. Adair, Chairman of the Committee on Citizenship, attested by Connell Rogers, Clerk of the Commission, approved and endorsed by J. M. Hayes, Principal Chief of the Cherokee Nation, and Henry Riffert, Asst. Executive Secretary, under the great seal of the Cherokee Nation. Said certificate certifying that Mrs. O. T. Myers, aged about 29, was admitted to Cherokee Citizenship and to all the rights thereof, on the 11th day of September, 1888, and that by reason of the admission of his mother, O. T. Myers, he claims citizenship.

John Samuel Myers-- 2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.


Subscribed and sworn to before me this 24th day of September, 1900.


Commissioner .

12 2004
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 24 1904

[Signature]

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 20 1900 1900.

Name John S. Myers Clausly Texas

District _____ Year 18 Page _____ No. _____

Citizen by blood yes Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate Parents S. B. Myers
Arline

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

DEPARTMENT OF THE INTERIOR,
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of
JOHN S. MYERS, for the enrollment of
himself as a citizen of the Cherokee Nation:

D E C I S I O N .

On the 20th day of September, 1900, John S. Myers, appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen of the Cherokee Nation.

It is shown by the testimony in this case that the above named applicant was born and reared in the State of Texas; and that he has never resided in the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

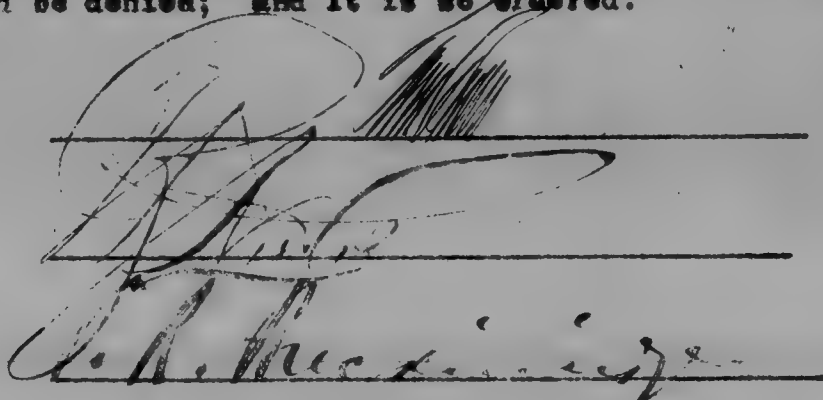
It further appears from the testimony that his mother, Mrs. C. T. Myers, was admitted to citizenship on the 11th day of September, 1888, by the Commission on Citizenship of the Cherokee

Nation; and that the name of the applicant does not appear upon said certificate of admission.

The applicant having been born in the State of Texas, and maintained a continuous residence there subsequent to attaining his majority, the law governing in this case is found in the Act of Congress approved June 28, 1898, (30 Stats., 495), Section twenty one, paragraph nine, which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship".....

WHEREFORE, it is the opinion of the Commission, that the application for the enrollment of John S. Myers, as a citizen of the Cherokee Nation, should be denied; and it is so ordered.



Commissioners.

Dated at Muskogee, Indian Territory,
on this 20 day of May, 1902.

5. 77

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE ASSOCIATED TRIBES

FILED

MAY 20 1901

[Handwritten signature]
J. H. ...

COMMISSIONERS.

HENRY L. DAWKS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected; was admitted through mother, but
never came. Judgment stated.

Cherokee R 577

~~7~~ C R 577

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 20 1900

RECEIVED
SEP 20 1900
U.S. DEPT. OF THE INTERIOR

Winita, Indian Territory,

September 20th, 1900.

The Commission,

To the Five Civilized Tribes:

GENTLEMEN:

You are hereby advised that I desire that the application this day made by me for the enrollment of myself and those represented by me in said application, which was denied by the Commission, be submitted to the Honorable Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

Respectfully,

John S. Myers.

No. 85

John S. Myers,

vs.

CHEROKEE NATION.

COPY.

Muskogee, Indian Territory, May 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings, had in the matter of the application of John S. Myers for enrollment as a citizen of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application for the enrollment of the said John S. Myers as a citizen of the Cherokee Nation.

Very respectfully,

(SIGNED).

James Bixby.
Acting Chairman.

Enc. R-577.

Through the Commissioner
of Indian Affairs.

COPY.

Cher. R-577.

Muskogee, Indian Territory, May 30, 1903.

John Samuel Myers,
Housley, Texas.

Dear Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

Acting Chairman.

Enc. R-577.
Registered.

83

COMMISSIONERS.

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Oper. R-577.

ALLISON I. AYLESWORTH
SECRETARY

Muskogee, Indian Territory May 20, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of John Samuel Myers for the enrollment of himself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. R-17.

Refer in reply to
the following:
Land
31143-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of John S. Myers for enrollment as a citizen of the Cherokee Nation.

The record shows that the applicant was born and reared in the State of Texas, and that he has never resided in the Cherokee Nation.

The Commission, in view of this fact, declined to enroll said John S. Myers as a citizen of the Cherokee Nation. The office believes the Commission's action was correct and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 14857-1902.

L. R. S.

EAF.

ITD. 5248-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 4, 1902

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 20, 1902, you transmitted the record and your decision of that date, in matter of the application for enrollment of John S. Myers as a citizen of the Cherokee Nation.

The evidence shows that applicant was born, reared, and has always resided, in the State of Texas; that his mother was admitted to Cherokee citizenship in 1888, but his name is not upon the certificate of admission. Not having been a resident of Indian Territory on June 28, 1898, you denied the application.

Forwarding the papers August 18, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms the decision.

Respectfully,

Thos Ryan

Acting Secretary.

EMD

1 inclosure.

COPY

Cherokee R 577.

Muskogee, Indian Territory, October 7, 1902.

John S. Myers,

Housley, Texas.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 577.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

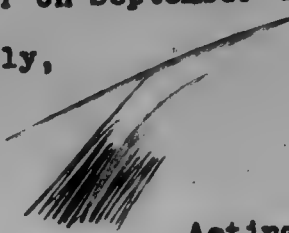
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of John S. Myers for the enrollment of himself as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,



Acting Chairman.

D.C.9019-1904.

JP

FHE

LRS

DEPARTMENT OF THE INTERIOR,

ITD 5248-1902.

7162-1903.

WASHINGTON.

MARCH 17, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 4, 1902, the Department affirmed your decision rejecting the application of John S. Myers for enrollment as a citizen of the Cherokee Nation.

September 21, 1903, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In your recommendation the Indian Office concurred, in its letter of October 7, 1903.

From the facts in the case the Department does not think it should be remanded. It is shown that the applicant, at the time the testimony in the case was taken, was 23 years of age. He was born and reared in the State of Texas, and has never resided in the Indian Territory. His mother was admitted to citizenship in 1888.

The Department finds no reason to disturb the decision of September 4, 1902.

Respectfully,
(Signed) Thos Ryan Acting Secretary.

Cher R 578

Cher R 578

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 27th 1900.

IN THE MATTER OF THE APPLICATION OF CHARLES J. HUNT FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILD, AS CHEROKEE CITIZENS.

The said Charles, J. Hunt, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Charles J. Hunt.
Q What is your age? A Twenty-three.
Q What is your postoffice address? A Vinita.
Q What is your district? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A
I am.
Q By blood? A Yes.
Q What degree of blood do you claim? A About one-eighth,
I think, or one-sixteenth, or one-thirty-second.
Q For whom do you apply? A For myself, wife and
child.
Q What is the name of your father? A Joel.
Q What is the name of your mother? A Ruth Hunt.
Q Both living? A Yes, sir.
Q What is the name of your wife? A Severa Hunt
Q Is she a citizen by blood? A No, sir.
Q What was her name before you married her? A Burnett.
Q When did you marry her? A In 1899.
Q What is her age? A Twenty-two.
Q White person? A Yes sir.
Q What ~~xxx~~ is the name of that child? A Bates James.
Q How old is he? A He is nearly four months old.
Q The only child? A Yes, sir.
Q Is he living with you and your wife? A Yes, sir.
Q Have you any proof of its birth? A Yes, sir.
THE COMMISSIONER: The applicant presents satisfactory proof
of birth as to the birth of his child Bates James, who was born
since the census roll of 1896 was compiled.
Q Have you got a certificate of marriage? A Yes, sir.
THE COMMISSIONER: Applicant presents also marriage license
and certificate certifying that he was married according to the
laws of the United States on the 29th of June, 1899, to one Severa
Burnett, a non citizen of the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A All
my life.
Q You are living here now? A Yes, sir.

1880 Roll, page 116, No. 1405, Charles Hunt, Cooweescoowee District.

1896 Roll, page 186, No. 2499, Charles J. Hunt, Cooweescoowee District.

THE COMMISSIONER: The name of Charles J. Hunt appears upon the authenticated roll of 1880 as well as the census roll of 1896, and he avers that he was married to one Miss Severa Burnett, and makes satisfactory proof thereof, she being a non citizen of the Cherokee Nation, the marriage taking place in the year 1899.

He presents proof of birth, which is satisfactory, as to the birth of his child Bates James Hunt, whose name does not appear upon the census roll of 1896, having been born thereafter. The name of his wife Severa Burnett does not appear upon the census roll of 1896.

They having been duly identified according to the page and number of the rolls as indicated in the testimony, the said Charles J. Hunt, and his child Bates James, will be listed for enrollment by this Commission as Cherokee citizens by blood.

The proof of marriage shows that the applicant was married to a non citizen in the year 1889, too late under the laws of the Cherokee Nation for a non citizen to receive any benefits of citizenship by reason of marriage. The applicant for the enrollment of his wife is rejected.

-----o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of October
A. D. 1900:

W. S. McLean
[Signature]
Commissioner,

~~17-11-18~~ 12 9578
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1900

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 27 1900 1900.

Name Vuelta D.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name General Hunt ne Burnell

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Rejected	Dist.	Year	Page	No.	Age
mailed	Dist.	Year	Page	No.	Age
late	Dist.	Year	Page	No.	Age
late	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

wife of Charles A. Hunt

#90

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES.

FILED
JAN 20 1901

COMMISSIONERS:

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Marriage, '99; judgment stated:

Cherokee R 578

12

JAN 11 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Severa Hunt, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and seventy-eight; it is entitled Severa Hunt, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-578.

18

Cherokee R-578

Muskegee, Indian Territory, Jan. 28, 1902.

Mrs. Severa Hunt,

Winita, Indian Territory.

Sir:-

On the 27th day of September, 1900, your husband, Charles J. Hunt, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 20th day of June, 1894, to your husband, in accordance with the laws of the United States; that you are not identified on the Cherokee Census Roll of 1900, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 25, 1900, (30 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1900 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and the shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may

have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Caws Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - "

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 18, 1905. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 323 to 334; of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

In view of the law and the testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission has been informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby,

Acting Chairman.

Register.

(COPY)

Re fer in reply to the following:

Land.
7008-1902.
7372-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 8, 1893, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1896, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

DAY
D

873 inclosures.

12965.

R.

I. T. D. 879-1902¹
D. C. 3475.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February, 28, 1902.

Commission, to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Severa Hunt, R. 578, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 333.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 378

Muskogee, Indian Territory, March 14, 1902.

Severa Hunt,

Vinita, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

PUR

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLE.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-578.

ALLISON I. AYLESWORTH,
SECRETARY.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Severa Hunt, Cherokee No. R. 578, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902!

Very respectfully,

C. A. Breckinridge
Commissioner in Charge.

Cher R 579

Cher R 579

REC ~~77-11-75~~ a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1900

ACTING CHAIRMAN

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., September 29, 1900.

In the latter of the application of Mary Jane Harris for the enrollment of herself and her husband as citizens of the Cherokee Nation by intermarriage; being shown and examined by the undersigned Commissioner, she testified as follows:

- Q What is your full name? A Mary Jane Harris.
Q How old are you? A I was born in 1851.
Q What is your post office? A Winita.
Q In what district do you live? A Cherokee Nation.
Q Who is it now you want to have put in the roll, yourself?
A Yourself and my husband if I can get him there, he is a white man.
Q You want to apply for him, do you? A Yes, sir.
Q How many children? A I have three, and none but I apply for.
Q Are you really and truly Cherokee by blood? A Yes, sir.
Q Your husband, you say, is a white man? A Yes, sir.
Q What proportion of Cherokee blood do you claim? A I guess
I am about 1/8.
Q Give me the name, please, of your father? A Willie Holt.
Q Is he dead or alive? A He is dead.
Q How long since he died, how many years? A Yes, sir, it
is more than twenty years.
Q What is their given name? A John Jane.
Q Is he dead or alive? A He is dead.
Q How long since he died, how many years? A Yes, sir, she has
been dead more than twenty years.
Q How long have you lived in the Cherokee Nation? A I have lived
here 21 years last June, lived here when I was a child until I was
ten years old.
Q Were you admitted 21 years ago to the Dawes Commission or
Council? A No, sir, here is my papers.
(The applicant presents an official copy of the judgment of the
United States Court for the Northern District of the Indian Territory,
in case No. 118, Mary Jane Harris, et al. against the Cherokee
Nation, in which it is ordered that Mary Jane Harris shall be en-
rolled as a citizen of the Cherokee Nation.)
Q That is your name, is it? A That is my present name.
Q This Mary Jane Harris is meant for you? A Yes, sir.
Q This is recognized as official evidence of the facts stated. You
applied to the Dawes Commission as their rejection you? A Yes, sir.
Q And then it was carried to the United States Court and they
admitted you? A Yes, sir, Judge Springer.
Q Now have you lived in the Cherokee Nation ever since you were
admitted by the United States Court? A Yes, sir, going on 20 years.
Q Continuously? A Yes, sir, been my home and I have lived here
until I was ten.
Q Give me your husband's name? A Joseph H. Harris.
Q How old is he? A He is 45.
Q When were you married to him? A I was married to him in 1886.
Q Have you a marriage license and a certificate? A Yes, sir, I did
not bring them.
Q Were you married to him in accordance with Cherokee law? A No,
sir, we tried to get a license but I married him in accordance with
United States law.
Q Only in accordance with United States law? A Yes, sir.
Q He is not upon any roll of the Cherokee Nation, is he? A No, sir.
Q We have no jurisdiction then at all over his case.

The applicant applies for the enrollment of herself and her
husband. She is shown to have applied to the Dawes Commission for ad-
mission to Cherokee citizenship, and their case was carried from the
Commission to the United States Court, and judgment was rendered in

Mary Jones - 2.

has favorably by the United States Court. She has lived in the Cherokee Nation prior to the decision and subsequent to the decision of the United States Court, and she will be listed now for enrollment as a Cherokee Nation. She stated that her husband married her in 1886 in accordance with the United States law only, and that he is upon no roll of the Cherokee Nation. He is not mentioned in the judgment of this Court which has been cited with reference to the applicant herself, he has never been admitted therefore to the Cherokee citizenship in any form or any manner nor has he been upon any roll of the Cherokee Nation, and therefore this Commission has no jurisdiction over his application, and a new ruling will be made of the application for him to that effect. If it is desired that the Secretary of the Interior be informed of the application of Joseph H. Harris, it will be done upon the written request of himself or his wife.

-----0-----

Amos C. Jones, being duly sworn, a perfect and stenographic as to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Amos C. Jones

Sworn to and subscribed before me this the 1st of October, 1900.



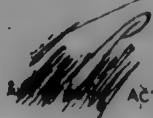
Commissioner.

14579

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 29 1900


ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900 1900.

48 Joseph R. Harris, White, 29

Name District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

X 13

THE INTER

3FS

1914

20 '90

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make rejected; marriage; prove marriage; judgment

stated.

Cherokee R 579

COPIES OF THE REPORTS OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE
TO THE SECRETARY OF THE INTERIOR
FOR THE YEAR 1902
1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Joseph R. Harris, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 579, it is entitled Joseph R. Harris, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 579.

(COPY)

Chas

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

Cherokee Case No. 579.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, February 14, 1902.

Mr. Joseph P. Harris,
Vinita, Indian Territory.

Sir:-

On the 29th day of September, 1900, your wife, Mary J. Harris, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are a white man; that you were married in 1886 to Mary Jane Holt, who was admitted to citizenship in the Cherokee Nation by a judgment of the United States Court in Indian Territory on appeal from a decision of the Commission to the Five Civilized Tribes, rendered in 1896. It would seem from the evidence in this case that your wife was not a citizen at the time you were married to her. It further appears that you were never married to your wife in the first instance by authority of a Cherokee marriage license, nor does it appear that you were ever married to your wife by authority of a license issued by the Cherokee tribal authorities.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 25, 1898 (30 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls this Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Section 659....Every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware, or Shawnee woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . ."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal;"

Under the foregoing provisions of the Cherokee law as applied to the facts in this case, it is considered that you never acquired the rights of an "intermarried white person entitled to citizenship under Cherokee law.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) ~~T. B. Needles~~

Inclosure.

Register.

~~Acting~~ ~~Commissioner~~

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered
of *Joseph B. Harris* in the matter of the application
for enrollment as citizen of the
Cherokee Nation.

Cherokee, Va. *R. C. H.* Attorney for Cherokee Nation.

• COMMISSIONED 1902

APR 16 1902

[Signature]
ACTING CHAIRMAN

L.R.S.

19541.

R

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

April, 2, 1902.

I. T. D. 1924-1902.
D. C. 5799-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Joseph R. Harris, R 579, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.

April 2, 1902.

1828-1902.

D. C. 5760-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 3, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delaware or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1903,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Cherokee-R-579.

Muskogee, Indian Territory, April 15, 1902.

Mr. Joseph R. Harris,

Vinita, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior, on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLE.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-579.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 15, 1902, rejecting the application of Joseph R. Harris, Cherokee No. R 579, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

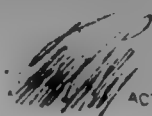
Cher R 580

Cher R 580

~~Mem 96~~
Mem 96 A

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W.S. FILED
SEP 29 1900

 ACTING CHAIRMAN.

REFUSED AS TO APPLICATION:

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., September 29, 1900.

In the matter of the application of Richard Force for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give your name. A Richard Force.
Q What is your age? A 31.
Q What is your post-office? A Winita.
Q What is it you want to have put on the roll? A Myself and wife.
Q Just yourself and your wife? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A By marriage.
Q Your wife is a Cherokee? A Yes sir.
Q What portion of Cherokee blood do you claim for her? A One sixteenth portion.
Q Have you your marriage license and certificate? A Yes sir.
(Produces papers)
Q Mr Breckinridge: The applicant presents duly authenticated marriage license ~~xxx~~ is used by the Clerk of the United States Court for the Northern District of the Indian Territory August 14 1896, authorizing his marriage to Miss Emma C. Chamberlain; the certificate shows that they were united in marriage on the 14th of the same month and year by the Rev. C. J. Taylor; this is filed herewith.
Q How old is your wife? A 19.
Q Is she a native Cherokee? A Yes sir.
Q Lived here all her life? A Yes sir.
Q What is the name of her father? A George Chamberlain.
Q Is he alive? A Alive.
Q Her mother's name please? A Emma Chamberlain.
Q Is she dead or alive? A She is dead.
Q How long has she been dead? A She has been dead I believe about 14 years.
Q Was her mother a Cherokee or white woman? A I don't believe I know.
Q Was her father a Cherokee or a white man? A He was a Cherokee 1880 roll page 32 #777 Emma Chamberlain Comanche co, native Chero;.
Q What is the G. in your wife's name for? A Grace.
Q 1896 roll page 13 #1040 as Grace Chamberlain Comanche co native.

Q Mr Breckinridge: The applicant applies for the enrollment of himself and his wife; his wife is identified on the roll of 1896 and her mother is identified on the roll of 1880 as a native Cherokee; her mother is now deceased; the applicant's wife has lived in the Cherokee Nation all her life; her change of name is established by the marriage license and certificate filed herewith and she will be listed for enrollment as a Cherokee by blood; the applicant is shown to have married his wife in 1896 and in accordance with the United States law; he has both married his wife after the law of 1895, too late to acquire rights of citizenship by inter-marriage, and ~~also~~ not in accordance with Cherokee law, and there is deemed to be no record of him so that there is no jurisdiction over his application, and a memorandum will be made of his rejection for lack of jurisdiction.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. *W.D. Green*
Subscribed and sworn to before me this 29 day of Sept 1900.

W.D. Green

Commissioner.

~~memorandum~~ 9-6

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R580

FILED
SEP 29 1900

13



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900

Name Richard Lee Rice, Vinita, Okla.

District Year Page No.

Citizen by blood 700. Mother's citizenship

Intermarried citizen Yes

Married under what law U.S. Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License SEP 1900 Certificate SEP 1900

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Marriage license of 901. Vinita, Okla.

Mem 96

MARRIAGE LICENSE

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

No. 257.

To Any Person Authorized by Law to Solemnize Marriages--Greeting:

You are Herely Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Clarence W. Taylor of Vinita, in the Indian Territory, aged 20 years, and Miss Emma T. Chamberlain of Vinita, in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 14 day of August A. D. 1899.

(Signed) Jas A. Winston.
Clerk of the U.S. Court.

By (Signed) J.C. Anderson, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, C. J. Taylor, a Minister of the Gospel, DO HEREBY CERTIFY that on the 16 day of August A. D. 1899, I did duly and according to law as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named. WITNESS my hand this 16 day of August A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book H. Page 298.

(Signed) C. J. Taylor.
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 9 day of October, 1899, at -----, and duly recorded in Book H Marriage Record, Page 357.

WITNESS my hand and seal of said court at Muskogee, in said Territory, this 9 day of October A. D. 1899.

Jas A. Winston, Clerk.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
Muskogee, I. T. August 21, 1902.
I, the undersigned, a member of the Commission to the Five Civilized Tribes do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Commission.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

No. 957.

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Clarence W. Leforce of Vinita, in the Indian Territory,, aged 20 years, and Miss Emma T. Chamberlain, of Vinita, in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 14 day of August A. D. 1899.
(SEAL) (Signed) Jas A. Winston.
Clerk of the U.S.Court.

By (Signed) J.C.Anderson. Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, C. J. Taylor, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 16 day of August A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 16 day of August A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book H. Page 298.

(Signed) C. J. Taylor.
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 9 day of October, 1899, at -----M., and duly recorded in Book H Marriage Record, Page 357.

WITNESS my hand and seal of said court at Muskogee, in said Territory, this 9 day of October A. D. 1899

Jas A. Winston, Clerk.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. August 21, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Clarence W. Leforce.


Commissioner.

26 2580

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 20 1901

[Signature]

ACTING CLERK

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Male rejected; marriage 1896; judgment stated.

Cherokee R 580

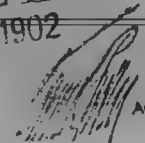
800

40

COMMISSIONER OF THE INTERIOR
THE FIVE CIVILIZED TRIBES

FILED

MAR 21 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Richard Leforce, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 580, it is entitled Richard Leforce, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED).

T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.580.

(COPY)

Cherokee R-580

Muskogee, Indian Territory, February 14, 1902.

Mr. Richard Leforce,

Vinita, Indian Territory.

Sir:-

On the 28th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 10th day of August, 1899, to one Emma C. Chamberlain, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully

admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawson Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 659: - - every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and take oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - -"

"Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at

least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Wm. Birby, T. B. Needles.

~~Acting Chairman~~
Commissioner in Charge.

Inclosure.

Register.

COMM. ENCL

FILED

APR 16 1902

ACTING CHAIRMAN

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. 1925-1902.
D. C. 5801-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Richard Leforce, R 580, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

T.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 3, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stat., 495), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware or Shawnee woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokee, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

COMMISSION

APR 16 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, April 15, 1902.

Mr. Richard Leforce,

Vinita, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. B. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-580.

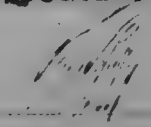
Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Richard Leforce, Cherokee No. R 580, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,



Acting Chairman.

Cherokee R-380.

Muskogee, Indian Territory, August 22, 1902.

Richard Leforce,
Vinita, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing the marriage on August 16, 1899, between Clarence W. Leforce and Emma G. Chamberlain.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-3.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES:

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of Richard Lefore for enrollment as citizen of the
Cherokee Nation.

Cherokee No. R580

Attorney for Cherokee Nation.

Register No. 402
358



Department of the Interior.

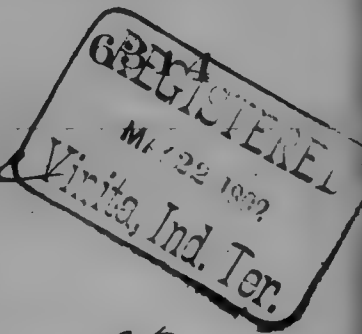
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to
UNCLAIMED
Richard Lefore
Attorney for Cherokee Nation
Return to Writer
UNCLAIMED



Ind. Ter.



Cher R 581

Cher R 581

RV 581 ~~Miss 104~~ a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 2 1900

21

21

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 2, 1900.

In the matter of the application of Daisy B. Hunt for enrollment of herself, husband and one child, as citizens of the Cherokee nation, said Hunt being sworn by Commissioner Brackinridge, testified as follows:

- Q What is your name? A Daisy B. Hunt.
Q Your age? A 18.
Q Your postoffice? A Chelsea.
Q What district do you live in? A Coowasecoowa.
Q Whom do you want to have put on the roll? A Myself, husband and one child.
Q Are you a Cherokee by blood? A Yes.
Q Is your husband a Cherokee or white man? A White man.
Q How long have you lived in the Cherokee nation? A All my life.
Q Give me the name of your father? A Millhollon.
Q Is he dead or alive? A Alive.
Q What is your mother's name? A Ida.
Q Dead or alive? A Dead.
Q How long since she died? A 16 years.
Q Give me the name of your husband? A Joe S. Hunt.
Q How old is he? A 38.
Q Have you his marriage license and certificate? A Yes.
Q Applicant presents duly authenticated United States license issued by the Clerk of the United States Court, Northern District of the Indian Territory, January 2, 1899, authorizing the marriage of Joseph Hunt to Miss Daisy Millhollon. The certificate shows that they were united in marriage on the 3rd day of the same month in that year by the Rev. J. V. Vick. It is filed herewith.
Q Your husband has lived with you ever since you were married? A Yes.
~~xxxxxxxxxxxxxxxxxxxx~~
Q He is not on any roll? A No sir.
Q What is the name of your child? A Evan R. 6 months old.

Applicant on '96 roll, page 221, number 3477, as Millhollan. Applicant presents duly authenticated certificate from the records of the Cherokee nation's Commission on Citizenship, showing that on September 25, 1890, three certain persons were admitted to citizenship by the Commission and among them appears the name of Daisy M. Millhollon--- that is your name? A Yes.
Q That was intended for you? A Yes.
It is identified with the names you give as that of your mother. It is identified as official and correct evidence of the facts stated. Paper is returned to the applicant.

Q You have been here ever since you were admitted? A Yes.
The applicant applies for the enrollment of herself, husband and one child. She is shown to have been admitted to Cherokee citizenship with her mother in '85 as set forth in the testimony. She has lived in the Cherokee nation ever since. She is identified on the roll of '96 and her present change of name is established by the marriage license and certificate filed with the testimony. She will be listed now for enrollment as a Cherokee by blood. When she presents the Commission with proper proof of birth of her child Evan Ray this child will also be listed for enrollment as a Cherokee by blood.

As for the application for the enrollment of her husband, he is shown to have been married to her in '99 and only in accordance with the United States law. He is not upon any roll of the Cherokee Nation and under no theory has he been admitted to citizenship by his marriage. Therefore, it is considered that in his case, the Commission has no jurisdiction and only a memorandum will be made of his application. If the applicant so desires that memorandum will be reported to the Secretary of the Interior upon written request to that effect.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

B. McDonald

Subscribed and sworn to before me this 2nd day of October,
1900.

A. B. Smith

Commissioner.

R581 ~~Memo 104~~ B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1 1900



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS

FILED

AT 20 1901

COMMISSIONERS:

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Male rejected; marriage case, '99, and U.S. law; judgment stated.

Cherokee R 581

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,

do hereby certify that the instrument hereto attached was filed for record in my office the 13th day of

May 1899, at M., and duly recorded in Book 28, Marriage

Record, Page 128

WITNESS my hand and seal of said Court at Tahlequah, in said Territory,

this 27 day of May A.D. 1899.

By Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1900

ACTING CHAIRMAN.

CERTIFICATE OF RECORD.

United States of America,)
INDIAN TERRITORY,) SS.
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,
do hereby certify that the instrument hereto attached was filed for record in my office the 12th day of
July 1899, at M., and duly recorded in Book 212, Marriage
Record, Page 128

WITNESS my hand and seal of said Court at Tahlequah, in said Territory,
this 27 day of July A.D. 1899.

By Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
H. T. F. D.
JUL 1 1900

ACTING CHAIRMAN.

10031 11-1-1000
C

MARRIAGE LICENSE

MADE 1899

Jan. A. Winston
CLERK.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

No.

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish

the Banns of Matrimony between Mr.

of Chelsea

in the Indian Territory, aged 30 years, and

Miss Daisy Michelson, of Chelsea in the

Indian Territory, aged 17 years, according to law, and do you officially sign

and return this License to the parties therein named.

WITNESS my hand and official seal at Tahlequah, Indian Territory, this 2nd

day of January, A.D. 1899

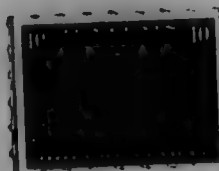
By

J. Anderson

Deputy.

James Winston
Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.



United States of America,)
INDIAN TERRITORY,) SS.
NORTHERN DISTRICT.

I, *E. V. [unclear]*, a Minister of the Gospel,
~~DO HEREBY CERTIFY~~, that on the *3rd* day of *April*, A.D. 189*7*,
I did duly and according to law as commanded in the foregoing License, solemnize the
Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *3rd* day of *April*, A.D. 189*7*.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book *B*, Page *11*.

E. V. [unclear]
A Minister of the Gospel.

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

PHOTODUPT CO. WASHINGTON

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.
SS.

CERTIFICATE OF RECORD.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE NEE-CHILIZED TRIBES

FILED
MAR 24 1909

[Signature]
ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Joseph S. Hunt, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 581, it is entitled Joseph S. Hunt, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.581.

(COPY)

Cherokee R 581

Muskogee, Indian Territory,
February 14, 1902.

Mr. Joseph F. Hunt,

Chelsee, Indian Territory.

Sir:-

On the 1st day of October, 1900, your wife, Daisy F. Hunt, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by inter-marriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 3rd day of January, 1899, to your wife, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1898, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 25, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose par

before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation, who are Cherokees, Delawareans, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation except as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case, the application for the enrollment of himself as an intermarried citizen of the Cherokee Nation as this has been refused by the Commission to the Five Civilized Tribes. Also of the records of the proceedings in this application is enclosed herewith.

This decision, with a copy of the proceedings and in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be given known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) T. B. Needles.

Inclosure.

Register.

~~Assistant Commissioner~~
Commissioner in Charge.

COMM. OF THE

APR 16 1902


ACTING CHAIRMAN

19541.

R.

L.R.S.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1926-1902.
D. C. 5802-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Joseph S. Hunt, R 581, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

T.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokee, Delaware or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.M.D.

1 inclosure.

Cherokee-R-581.

Muskogee, Indian Territory, April 15, 1902.

Mr. Joseph S. Hunt,

Chelsea, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

Cherokee-R-581.

Muskogee, Indian Territory, April 15, 1908.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of Joseph B. Hunt, Cherokee No. R 581, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1908.

Very respectfully,

Acting Chairman.

7

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLE,
C. R. BRICKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-581.

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Joseph S. Hunt, Cherokee No. R 581, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

SR

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-518

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 25, 1902.

Daisy B. Hunt,

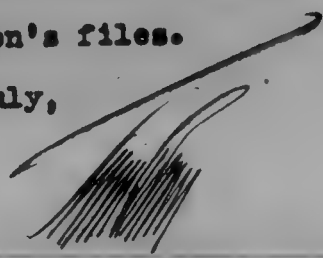
Chelsea, Indian Territory.

Dear Madam:-

When you applied to this Commission for the enrollment of Joseph S. Hunt as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate, showing your marriage, on January 3, 1899, to Joseph Hunt.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,



Acting Chairman.

Enc. M-118¹/2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of Joseph S Hunt for enrollment as citizen of the
Cherokee Nation.*

Cherokee No. R 581.

Attorney for Cherokee Nation.

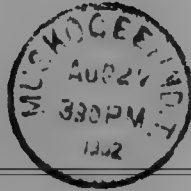
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

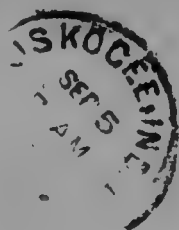
OFFICIAL BUSINESS.

Penalty for private use, \$300.



Returned to sender
at here
17
17
17

1258



1

Cher R 582

Cher R 582

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF ROBERT W. GROOM FOR THE
RECOGNITION OF HIMSELF, HIS WIFE AND ONE CHILD, AS CITIZENS OF THE FIVE.

The said Robert W. Groom, being sworn and examined by Commissioner
C. H. Breckinridge, testified as follows:

Q Give me your full name, please. A Robert W. Groom.
Q How old are you? A Twenty-four.
Q What is your present office? A Welch.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A My wife and
baby.
Q Yourself, wife and one child? A Why, I don't know
whether I will get on or not.
Q Well, do you want to apply for yourself? Are you a white man
or a Cherokee? A A white man.

Q Your wife is a Cherokee by blood, is she? A Yes, sir.
Q Have you got your marriage license or certificate? A Yes,
sir.

Q Your wife's name was Nellie, was it? A Yes, sir.
THE COMMISSIONER: The applicant presents a certificate issued by
the Clerk of the United States Court, Northern District of the
Indian Territory December 22nd, 1896, authorizing his marriage
to Miss Nellie Fields. The certificate shows they were united in
marriage on the 11th of January, 1897 by the Rev. C. W.
Jamison. This is filed herewith.

Q You have lived with your wife ever since you married here? A
Yes, sir.

Q And in the Cherokee Nation? A Yes, sir.
Q Your wife's present name, then is Nellie Groom. A Yes, sir.
Q What was her name when you married her? A Fields.
Q You were never married before? A No, sir.
Q She was never married before? A No, sir.
Q She was born in the Cherokee Nation? A Yes, sir.
Q She has lived here all her life? A Yes, sir.
Q What is her father's name? A William Fields.
Q Dead or alive? A Alive.
Q Her mother's name? A Nellie Fields.
Q Dead or alive? A Alive.
Q Give me the name of your child. A Lucile Groom.
Q Have you got a certificate there of its birth? A Yes, sir.
Q How old is that child? A A year old in June.
Q How old is your wife? A She is eighteen now.
Q She was not on the 1890 roll? A No, sir. I don't think her
mother is on the 1890 roll.

Q Why not? A She just proved where she was yesterday here.
Q Was she admitted by the Cherokee Commission or Council? A
Yes, sir.

Q Where is the certificate of admission? A I have not got any.
Q Was your wife's mother admitted by the Cherokee Commission or
Council on Citizenship? A Yes, sir.
Q Hasn't she got a certificate of admission? A I think so.
Q You need to have it. You can't carry on your application
without it.

A Well it is over there.

Q Well, you get it then. (Applicant leaves table for moment.)

(Applicant returns.)

A She said they never give her any.

Q When did your wife's mother come to the Cherokee Nation? A

A Why, I don't know, about twenty-four or five years ago, I think.

Q And she is not on the roll of 1896? No, sir.

1896 Roll, page 469, No. 1103, Willie Fields, Delaware District.

Q Did your wife's family ever apply to the Dawes Commission for admission to Cherokee citizenship? A I don't know.

Q Was your wife's father named William W. Fields? A Yes, sir.

1896 Roll, page 181, No. 1331, William Fields, Coweeseowee District.

1896 Roll, page 304, No. 370, Nellie Fields Coweeseowee District.

Note: (From 1896 Roll) Page 304, No. 369, Maggie Fields, wife of William Fields, No. 1331. No. 370, Nellie Fields, wife of William Fields (deceased).

Q Was your wife's father a Cherokee or a white man? A Cherokee

Q Is his mother a Cherokee or a white woman? A White woman.

Q Is Nellie Fields the mother or step-mother of your wife? A

She was the mother.

Q This, then, is your wife's father's second wife, this Nellie Fields? A No, sir; it is his first wife.

Q Wasn't he been married twice? A Yes, sir; but his other wife is named Annie. His second wife is named Annie.

Q This woman Nellie Fields is not living with her husband now? A No, sir.

Q So that your wife is the daughter of her father's first wife?

A Yes, sir.

THE COMMISSIONER: The applicant applied for the enrollment of himself, his wife and one child. He is shown to have married his wife in accordance with the United States law in 1897, and not in accordance with the Cherokee law. He of course is not upon any roll. He married after the law of 1895, to obtain rights by intermarriage, and he never was married in accordance with the Cherokee law, therefore the commission has no jurisdiction over his application for his own enrollment, and a memorandum will be made of his application. If he desires, the memorandum ~~will be~~ reported to the Secretary of the Interior, and will be done upon his written request.

His wife is identified upon the roll of 1896, but states that she has lived in the Cherokee Nation all her life. She will be listed upon a doubtful card as a Cherokee by blood, and when a certificate of the birth of the child Lucile is filed with the Commission that child also will be listed with its mother upon a doubtful card as a Cherokee by blood. Reference is made to D. Card No. 480, for evidence in full in regard to the status of the mother of the applicant's wife, in connection with the present testimony.

-----o-----

The undersigned, being sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October A. D. 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 4 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

Date.....OCT 4 1900.....1900

Name Robert J. ...

District 7

Citizen by blood ✓ Mother's citizenship ✓

Intermarried citizen *Yes* *997*

Married under what law Date of marriage

License Certificate

Wife's name ..

District _____

Citizen by blood Yes Mother's citizenship

Intermarried citizen..... *no*

Married under what law..... Date of marriage..... 22 OCT 1900

License Filed OCT 1900 Certificate Filed OCT 1900

Names of Children:

[illegible]

Marriage license and cert. attached

Mem 108

2184

DEPT. OF THE INTERIOR
BUREAU OF LANDS
WASHINGTON, D. C.

FILED
MAY 20 1901

Handwritten signature

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Male rejected; married in 1897 and under United
States law; judgment stated.

Cherokee R 582

DEPARTMENT OF COMMERCE
COMMISSION TO THE FIRED FINGER

FILED

LA 114 11 2

[Handwritten signature]
J. H. [unclear]
[unclear] [unclear]

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Robert F. Groom, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 582, it is entitled Robert F. Groom, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.

~~Acting Chairman.~~

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Encl. G-R. 582.

(Copy)

Cherokee R 582

Muskogee, Indian Territory.

February 14, 1902.

Mr. Robert F. Groom,

Welch, Indian Territory.

Sir:

On the 4th day of October, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 11th day of January, 1897, to one Nellie Fields, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of Indian Territory. That you are not identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been

lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

Section 659: "Whereas, the peace and prosperity of the Cherokee people require, that, in the enforce of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware, or Shawnee' woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue."

Section 660: "Every white man or person applying for license, as provided in the preceding section of this act, shall before

obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'

Section 663: "No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior, for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) T. B. Needles

Enclosure

Register

T. B. Needles
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered*

FEB 14 1902

of **Robert F. Groom**

for enrollment as **a** citizen of the

Cherokee Nation.

Cherokee No. R. 582.

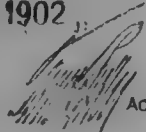
W. W. Hastings
Q. C. J.

Attorney for Cherokee Nation.

COMMISSION TO THE

FIELD

APR 16 1902



ACTING CHAIRMAN

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. 1927-1902.
D. C. 5803-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Robert F. Groom, R 582, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1903,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Cherokee-R-582.

Muskogee, Indian Territory, April 15, 1902.

Mr. Robert F. Groom,

Welch, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-582.

Muskegee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskegee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Robert F. Groom, Cherokee No. R 582, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 583

Cher R 583

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 22 1900

ACTING CHAIRMAN

R
O
B
O

msc
109

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T. October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF NANCY WADING FOR THE ENROLLMENT OF HERSELF AND HUSBAND AS CHEROKEE CITIZENS.

The said Nancy Wading, being sworn and examined by Commissioner C. Brackinridge, testified as follows:

Q Give me your full name please A Nancy Wading.
Q Have you any middle name? A No, sir.
Q How old are you? A Sixteen.
Q What is your post office? A Kinnison.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself and my husband.
Q Have you any children? A No, sir.
Q Just yourself and husband? A Yes, sir.
Q Are you a Cherokee by blood? A A Delaware.
Q What is your husband a white man? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name of your father? A Alexander W. Wading. (Anderson)
Q Dead or alive? A Alive.
Q Your mother's name? A Rachel Anderson.
Q Is she alive? A Yes, sir.
Q Give me the name of your husband? A Samuel A. Wading.
Q How old is he? A Twenty-one.
Q When did you marry him? A May 7th, 1900.
Q Have you a certificate of marriage? A Yes, sir.

THE COMMISSIONER: The applicant presents a certificate showing that she and her husband were married, as stated by her, at Oswego, Kansas, on the 7th of May, 1900, by L. W. Grain, Probate Judge. This is returned to the applicant.

Q Your husband was not married to you in accordance with Cherokee law? A No, sir.

Q Put in accordance with United States law? A Yes, sir.
1890 Roll, page 58, No. 13, Rachel Anderson, Cooweescoowee

District
1890 Roll, page 58, No. 12, A. W. Anderson, Cooweescoowee District.
1896 Roll, page 357, No. 24, Nancy Anderson, Cooweescoowee District.
THE COMMISSIONER: The applicant applies for the enrollment of herself and husband. She is identified on the roll of 1896 as a Cherokee-Delaware; she is too young to be on the roll of 1890, but her father and mother are identified on that roll; she has lived in the Cherokee Nation all her life; her change of name is established by the marriage certificate cited in the testimony; she will be listed now for enrollment as a Cherokee-Delaware.

Her husband is shown to have married her within the present year in accordance with United States law; he is not upon any roll, and that marriage does not entitle him to enrollment as a Cherokee citizen. Only a memorandum will be made of his case, as the commission is not deemed to have jurisdiction under the circumstances.

-----o-----
The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

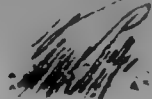
Subscribed and sworn to before me this 22nd of October A.D. 1900.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 4 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 4 1900 1900.

Name Samuel A. Nadwig, Minner 27
Year Page No.

District

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes

Married under what law Yes Date of marriage Sept 7 1900

License Certificate Yes - returned

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Wm. 109

B582

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE INDIAN TRIBES

FILED
MAY 20 1901

[Handwritten signature]

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

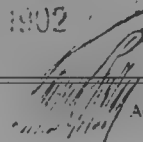
Male rejected; married in 1900, and under United
States law; judgment stated.

Cherokee R 583

DEPT. OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

FILED

NOV 1 1892



ACTING CHAIRMAN

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Samuel A. Nading, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 583, it is entitled Samuel A. Nading, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.
Acting Chairman.

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Encl. C-R.583.

(Copy)

Cherokee N 583

Wuchowee, Indian Territory,

February 14, 1902.

Mr. Samuel A. Moring,

Kinnison, Indian Territory.

Sir:-

On the 4th day of October, 1900, your wife, Nancy Moring, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by inter-marriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 7th day of May, 1900, to your wife, a citizen by blood of the Cherokee Nation, in accordance with United States law, at Oswego, Kansas; that you are not identified on the Cherokee Census Roll of 1896, and that you have your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 496):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who

were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and that all such names have been placed thereon by fraud and without authority of law, and enroll only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of anyone of said nations or tribes is fully completed as provided by law, and a survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Act of Congress, and known as the 'Census Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 689: - - - every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - -"

"Section 690: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at

least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawareans, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of said certificate, together with a certificate of the Justice of the Peace, signed by the county clerk, and the seal of the county of which he was a legal voter."

"Section 33: No marriage between a citizen of the United States or of any foreign nation and a female citizen of the Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case the application for the enrollment of himself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings in this application is enclosed herewith.

This decision, along with a copy of the proceedings in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) ~~W. B. Needles~~ *I. B. Needles.*

Acting Chairman.

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered* FEB 14 1902 *in the matter of the application
of Samuel A. Nading for enrollment as a citizen of the
Cherokee Nation.*

W. W. H. S. Nading
Attorney for Cherokee Nation.

Cherokee No. R. 583.

REPAIRED BY THE INTERIOR
COMMISSION
APR 16 1902

ACTING CHAIRMAN

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 2, 1902.

I. T. D. 1928-1902.
D. C. 5804-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin T. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Samuel A. Nading, R 583, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1889-1902.

April 2, 1902.

1828-1902.

B. C. 5760-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R. B., transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the Act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659. * * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.

* * * "

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

REPORT OF THE

APR 16 1902

ACTING CHAIRMAN

Cherokee-R-583.

Muskegee, Indian Territory, April 15, 1902.

Mr. Samuel A. Nading,
Kinnison, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-583.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Samuel A. Hading, Cherokee No. R 583, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 584

Cher R 584

R584 ~~MEMO~~ ~~TH~~

a

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE

FILED

OCT 8 1960

[Signature]
ACT. S. HARMAN.

[Handwritten marks]

Maggie L. Brennan et al 2

J.P. Green, being first duly sworn, states that as at and to the commission to the Five Civilized Tribes he correctly received the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

M. J. Green

Subscribed and sworn to before me this 5th day of October 1900.

C. H. Green

Commissioner.

R 584

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 5 1900



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date..... **OCT 5** 1900.

24 Garland C Bramham, Sparrows, 27

District Year Page No.

Citizen by blood **Mother's citizenship**

Intermarried citizen . . . *Yes*

Married under what law Date of marriage Sept. 1968

License Certificate

Wife's name

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License _____ Certificate _____

Names of Children:

Dist. ¹¹ Year Page No. 1 Age

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age 7.

Dist. Year. Page No. Age.....

D/st. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page..... No. Age.....

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. Year Page No. Age

Mem 111

R581

THE INTER

TO THE

RES

FILED

20 1901

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

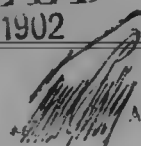
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married in 1900 and under United
States law; judgment stated.

Cherokee R 584

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 24 1902


ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Garland E. Branham, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 584, it is entitled Garland E. Branham, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED

T. P. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.584.

(Copy)

Cherokee A-544

Muskogee, Indian Territory, February 14, 1902.

Mr. Garland E. Brantley,

Spavinaw, Indian Territory.

Sir:-

On the 3rd day of October, 1900, your wife, Maggie J. Brantley, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 3th day of September, 1900, to your wife, a citizen by blood of the Cherokee Nation, under a United States License and in accordance with United States laws; that you are not identified on the Cherokee Census Roll of 1896, and that you have your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1900, (31 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who

and minors when their parents were so admitted; and the roll investigate the right of all other persons whose names are placed on the other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendant, born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Land Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 659: - - Every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware, or Shawnee woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - -"

"Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who

are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this nation, entered into within the limits of this Nation except as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case the application for the enrollment of himself as an intermarried citizen of the Cherokee Nation has this day been referred by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings on this application is enclosed herewith.

This decision, with a copy of the proceedings and in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission has been informed of the same.

THE COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

BY (Signed) T. B. Needles.

Inclosure.

Register.

~~W. B. Needles~~
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 1 - 1902, in the matter of the application

of Garland E. Branham
Cherokee Nation.

for enrollment as a citizen of the

W. H. Haskins,
Attorney for Cherokee Nation.

Cherokee No. R. 584.

COMMON

FILED

APR 16 1902

ACTING CHAIR

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

April 2, 1902.

I. T. D. 1929-1902.
D. C. 5806-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation you are advised that the application of Garland E. Branham, R 584, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1903,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
R.H.D.

1 inclosure.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UNITED STATES

FILED

APR 16 1902



ACTING CHAIRMAN

Cherokee-A-584.

Muskogee, Indian Territory, April 15, 1902.

Mr. Garland, Branham,

Spavinaw, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-584.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Garland E. Branham, Cherokee No. R 584, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior, on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Left the Country



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

C200

Gazland Prairie
Spartan

Ind. Ter.

Cher R 585

Cher R 585

~~774-1111~~
R. 525 DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 9 1900 a

MAIL

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 5th, 1900K.

IN THE MATTER OF THE APPLICATION OF Mary Cunningham for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Brockbridge, testified as follows:

Q What is your name? A Mary Cunningham.
Q How old are you? A Forty three.
Q What is your Postoffice? A Spavinaw/
Q In what district do you live? A Saline.
Q Whom do you want to have put on the roll? A Myself, six children, and husband.
Q Are you a Cherokee by blood? A Yes sir.
Q Full blood? A Yes sir.
Q Is your husband a Cherokee? A He is a white man.
Q How long have you lived in the Cherokee Nation?
A Born and raised here.
Q Lived here all your life? A Yes sir.
Q What is the name of your father? A Eph Vann. He died time of the war.
Q Your mother's name? A Becky Vann.
Q Is she dead? A Yes sir; she died time of the war too.
Q When did you marry? A In 1883.
Q Give me your husband's full name? A William Cunningham/
Q How old is he? A Fifty one.
Q Have you a marriage license and certificate? A I have a certificate; is all.
Q Did he ever get a Cherokee license? A No sir.
Q He married you under United States law? A Yes sir.
Q Give me the names of the children? A Henry.
Q How old is that child? Seventeen; will be his next birth day; fourteenth of November.
Q The next child? A James Monroe.
Q How old is that child? A Ten.
Q What is the name of the next child? A Ellen Elizabeth.
Q How old is she? A Eight.
Q Next child? A Charles Fox.
Q How old is that child? A Six.
Q Next child? A Lavana.
Q How old is that child? A Four years old.
Q Next child? A Maggie.
Q How old is she? A Two years old.
Q These children are all living now, are they? A Yes sir.
(1890 Roll, Page 672, #1221, Mary Vann, Saline District)
(1896 Roll, Page 1027, #1381, Mary Vann, Saline District)
(1896 Roll, Page 985, #238, Henry Cunningham, Saline Dist)
(1896 Roll, Page 985, #258, Jim M. Cunningham, Saline Dist)
(1896 Roll, Page 985, #259, Ellen E. Cunningham, Saline Dist)
(1896 Roll, Page 985, #260, Charles Fox Cunningham, Saline Dist)
(1896 Roll, Page 985, #261, Lavender Cunningham, Saline Dist)

The applicant applies for the enrollment of herself, her husband and six children: She is identified on the rolls of 1890 and 1896 as a native Cherokee: She has lived in the Cherokee Nation all her life, and will be listed now for enrollment as a Cherokee by blood.

Of her six children, the first five are identified with her on the roll of 1896: They are living at this time, and they will be duly listed for enrollment as Cherokees by blood.

When she supplies proper certificate of the birth of the youngest child, Maggie, that child also will be listed for enrollment as a Cherokee by blood.

Her husband is said to have married her in 1883, but only under United States law: He is not upon any roll of the Cherokee Nation, and is not considered to have acquired citizenship at any time, and

the Commission has no jurisdiction at this time over his ~~same~~ application. A memorandum as to his application will be made to that effect. If it is desired that this memorandum be reported to the Secretary of the Interior, it will be done, upon a written request to that effect.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.


A. A. [unclear]

Subscribed and sworn to before
me this 9th day of October, 1900.

[Signature]

COMMISSIONER.

R585 ~~W. H. H.~~
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES. (B)
FILED
OCT 5 1900


ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Name *William Cunningham, Harrison, Jr.* Date *OCT 5* 1900. 1900.
District _____ Year _____ Page _____ No. _____
Citizen by blood *Yes* Mother's citizenship _____
Intermarried citizen *No*
Married under what law *Ind.* Date of marriage *1883*
License _____ Certificate _____
Wife's name _____
District _____ Year _____ Page _____ No. _____
Citizen by blood _____ Mother's citizenship _____
Intermarried citizen _____
Married under what law _____ Date of marriage _____
License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Wm. 113

MINISTRY OF THE INTERIOR

TO THE

DES

NO 11 11 10

20 1901

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married in 1883, under United States

law; on no roll; judgment stated.

Cherokee R 585

RECEIVED
JAN 11 1961

100-100000

100-100000
100-100000

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of William Cunningham, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R 585, it is entitled William Cunningham, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*
Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enclosure C.R 585

(COPY)

Cherokee R 585

Muskogee, Indian Territory.

February 14, 1902.

Mr. William Cunningham,

Spavinaw, Indian Territory.

Sir:

On the 5th day of October, 1900, your wife, Mary Cunningham, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1883, to your wife, a citizen by blood of the Cherokee Nation. Said marriage was in accordance with the laws of the United States. That you are not identified on the Cherokee Census roll of 1896, and that your application for enrollment is based upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 26, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may

have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; XXXXX"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

Section 659: "Whereas, the peace and prosperity of the Cherokee people require that, in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware, or Shawnee' woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue.

Section 660: "Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding

the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.' "

Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized or provided, shall be legal."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES

BY (Signed) ~~Wm. R. R. R.~~

T. B. Needles.

~~Commissioner~~ n.

Enclosure

Register

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of William Lemmon for enrollment as citizen of the
Cherokee Nation.*

Cherokee No. R 585

Attorney for Cherokee Nation.

CO. C. N.

APR 16 1902

ACTING CHAIR

I.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

April 2, 1902.

I. T. D. 1930-1902.
D. C. 5805-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation you are advised that the application of William Cunningham, R 585, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T., D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

COMMISSION (9)

APR 16 1902

ACTING CHAIRMAN

Cherokee-R-585.

Muskogee, Indian Territory, April 15, 1902.

Mr. William Cunningham,

Spavinaw, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLE.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-585'

Muskogee, Indian Territory, April 15, 1908.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of William Cunningham, Cherokee No. R 585, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1908.

Very respectfully,

Acting Chairman.

Cher R 586

Cher R 586

Report of the Inspector,
Department of the Interior,
Washington, D.C., August 1, 1904.

On the application of Mrs. J. M. Smith, of the County of ... State of ...
for the purpose of ...
the following facts were ascertained:

Q. How long have you been married? A. ...
Q. How long have you lived in the County of ...? A. ...
Q. How long have you lived in the State of ...? A. ...
Q. How long have you lived in the United States? A. ...
Q. How long have you lived in the County of ...? A. ...

Q. How long have you lived in the State of ...? A. ...
Q. How long have you lived in the United States? A. ...
Q. How long have you lived in the County of ...? A. ...

Q. How long have you lived in the State of ...? A. ...
Q. How long have you lived in the United States? A. ...
Q. How long have you lived in the County of ...? A. ...

Q. How long have you lived in the State of ...? A. ...
Q. How long have you lived in the United States? A. ...
Q. How long have you lived in the County of ...? A. ...

Q. How long have you lived in the State of ...? A. ...
Q. How long have you lived in the United States? A. ...
Q. How long have you lived in the County of ...? A. ...

Q. How long have you lived in the State of ...? A. ...
Q. How long have you lived in the United States? A. ...
Q. How long have you lived in the County of ...? A. ...

The following facts were ascertained: ...
that the applicant's husband was a citizen of the United States ...
and he is not upon any other ...
mission has no jurisdiction ...
to that effect. If it is desired that this memorandum be reported to
the Secretary of the Interior, it will be done upon the receipt of
a written request to that effect.

Page 1 of 1

James W. Jones, a duly sworn, who that ... to ... the ...

Prince G. Jones

Given to me and ... on this the 8th of October, 1964.

C. H. Newman

Notary Public.

Mem #6 *13*
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R# 86 FILED
OCT 9 1900

ACTIN, CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date, OCT 9 1900 1900.

Name Richard C. Nichols

District _____ Year _____ Page _____ No. _____

Citizen by blood. **Mother's citizenship.**

Intermarried citizen

Married under what law Date of marriage.....

License Certificate

Wife's name _____

District Year Page No.

Citizen by blood **Mother's citizenship**

Intermarried citizen. ...

Married under what law..... **Date of marriage**.....

License 501 Certificate OCT 6 1900

Names of Children:

[illegible]

Young's Science of Art.

Rating

Winn 116

2586

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS
FILED
JAN 20 1901

COMMISSIONERS.

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married in 1899 and under United States
law; judgment stated.

Cherokee R 586

1. The first of these is the fact that the
 2.
 3.
 4.
 5.
 6.
 7.
 8.
 9.
 10.
 11.
 12.
 13.
 14.
 15.
 16.
 17.
 18.
 19.
 20.
 21.
 22.
 23.
 24.
 25.
 26.
 27.
 28.
 29.
 30.
 31.
 32.
 33.
 34.
 35.
 36.
 37.
 38.
 39.
 40.
 41.
 42.
 43.
 44.
 45.
 46.
 47.
 48.
 49.
 50.
 51.
 52.
 53.
 54.
 55.
 56.
 57.
 58.
 59.
 60.
 61.
 62.
 63.
 64.
 65.
 66.
 67.
 68.
 69.
 70.
 71.
 72.
 73.
 74.
 75.
 76.
 77.
 78.
 79.
 80.
 81.
 82.
 83.
 84.
 85.
 86.
 87.
 88.
 89.
 90.
 91.
 92.
 93.
 94.
 95.
 96.
 97.
 98.
 99.
 100.
 101.
 102.
 103.
 104.
 105.
 106.
 107.
 108.
 109.
 110.
 111.
 112.
 113.
 114.
 115.
 116.
 117.
 118.
 119.
 120.
 121.
 122.
 123.
 124.
 125.
 126.
 127.
 128.
 129.
 130.
 131.
 132.
 133.
 134.
 135.
 136.
 137.
 138.
 139.
 140.
 141.
 142.
 143.
 144.
 145.
 146.
 147.
 148.
 149.
 150.
 151.
 152.
 153.
 154.
 155.
 156.
 157.
 158.
 159.
 160.
 161.
 162.
 163.
 164.
 165.
 166.
 167.
 168.
 169.
 170.
 171.
 172.
 173.
 174.
 175.
 176.
 177.
 178.
 179.
 180.
 181.
 182.
 183.
 184.
 185.
 186.
 187.
 188.
 189.
 190.
 191.
 192.
 193.
 194.
 195.
 196.
 197.
 198.
 199.
 200.
 201.
 202.
 203.
 204.
 205.
 206.
 207.
 208.
 209.
 210.
 211.
 212.
 213.
 214.
 215.
 216.
 217.
 218.
 219.
 220.
 221.
 222.
 223.
 224.
 225.
 226.
 227.
 228.
 229.
 230.
 231.
 232.
 233.
 234.
 235.
 236.
 237.
 238.
 239.
 240.
 241.
 242.
 243.
 244.
 245.
 246.
 247.
 248.
 249.
 250.
 251.
 252.
 253.
 254.
 255.
 256.
 257.
 258.
 259.
 260.
 261.
 262.
 263.
 264.
 265.
 266.
 267.
 268.
 269.
 270.
 271.
 272.
 273.
 274.
 275.
 276.
 277.
 278.
 279.
 280.
 281.
 282.
 283.
 284.
 285.
 286.
 287.
 288.
 289.
 290.
 291.
 292.
 293.
 294.
 295.
 296.
 297.
 298.
 299.
 300.
 301.
 302.
 303.
 304.
 305.
 306.
 307.
 308.
 309.
 310.
 311.
 312.
 313.
 314.
 315.
 316.
 317.
 318.
 319.
 320.
 321.
 322.
 323.
 324.
 325.
 326.
 327.
 328.
 329.
 330.
 331.
 332.
 333.
 334.
 335.
 336.
 337.
 338.
 339.
 340.
 341.
 342.
 343.
 344.
 345.
 346.
 347.
 348.
 349.
 350.
 351.
 352.
 353.
 354.
 355.
 356.
 357.
 358.
 359.
 360.
 361.
 362.
 363.
 364.
 365.
 366.
 367.
 368.
 369.
 370.
 371.
 372.
 373.
 374.
 375.
 376.
 377.
 378.
 379.
 380.
 381.
 382.
 383.
 384.
 385.
 386.
 387.
 388.
 389.
 390.
 391.
 392.
 393.
 394.
 395.
 396.
 397.
 398.
 399.
 400.
 401.
 402.
 403.
 404.
 405.
 406.
 407.
 408.
 409.
 410.
 411.
 412.
 413.
 414.
 415.
 416.
 417.
 418.
 419.
 420.
 421.
 422.
 423.
 424.
 425.
 426.
 427.
 428.
 429.
 430.
 431.
 432.
 433.
 434.
 435.
 436.
 437.
 438.
 439.
 440.
 441.
 442.
 443.
 444.
 445.
 446.
 447.
 448.
 449.
 450.
 451.
 452.
 453.
 454.
 455.
 456.
 457.
 458.
 459.
 460.
 461.
 462.
 463.
 464.
 465.
 466.
 467.
 468.
 469.
 470.
 471.
 472.
 473.
 474.
 475.
 476.
 477.
 478.
 479.
 480.
 481.
 482.
 483.
 484.
 485.
 486.
 487.
 488.
 489.
 490.
 491.
 492.
 493.
 494.
 495.
 496.
 497.
 498.
 499.
 500.
 501.
 502.
 503.
 504.
 505.
 506.
 507.
 508.
 509.
 510.
 511.
 512.
 513.
 514.
 515.
 516.
 517.
 518.
 519.
 520.
 521.
 522.
 523.
 524.
 525.
 526.
 527.
 528.
 529.
 530.
 531.
 532.
 533.
 534.
 535.
 536.
 537.
 538.
 539.
 540.
 541.
 542.
 543.
 544.
 545.
 546.
 547.
 548.
 549.
 550.
 551.
 552.
 553.
 554.
 555.
 556.
 557.
 558.
 559.
 560.
 561.
 562.
 563.
 564.
 565.
 566.
 567.
 568.
 569.
 570.
 571.
 572.
 573.
 574.
 575.
 576.
 577.
 578.
 579.
 580.
 581.
 582.
 583.
 584.
 585.
 586.
 587.
 588.
 589.
 590.
 591.
 592.
 593.
 594.
 595.
 596.
 597.
 598.
 599.

7. 1. 1954

Cherokee
R-586

MARRIAGE LICENSE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

NO. 1563.

TO ANY PERSON LEGALLY AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--
Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Herman C. Bigham, of Ringo, in the Indian Territory, aged 25 years, and Miss Eva M. Nicholson, of Ringo, in the Indian Territory, aged 21 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and seal and official seal at Muskogee, Indian Territory, this 3rd day of Jan. A. D. 1899.

(Signed) J. A. Winston,
Clerk of the U.S. Court.

By (Signed) N. S. Young, Deputy.
(SEAL).

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT

I, Sarah E. Simcox, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 17 day of Jan A. D. 1899, I did duly and according to law as commanded in the foregoing License; solemnize the Rite and publish the Banns of Matrimony between the parties therein named. Witness my hand this 17 day of Jan A. D. 1899.

My Credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book-----Page-----
(Signed) Sarah E. Simcox.

A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, JAMES A WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 28 day of Jan 1899 at -----M., and duly recorded in Book G Marriage Record Page 287.

WITNESS my hand and seal of said court at Muskogee, in said Territory this 28 day of Jan A. D. 1899.

(Signed) Jas A. Winston.

Clerk.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. August 21, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Herman C. Bigham as acitizen of the Cherokee Nation.


Commissioner.

R586

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 24 1902



ACTING CHAIRMAN.

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Herman C. Bigham, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 586, it is entitled Herman C. Bigham, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.
~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.586.

(Copy)

Cherokee P-5.

Indian Territory,

February 14, 1902.

Mr. Nathan C. Fisher,

Indian Territory.

Sir:-

On the 10th day of October, 1901, your wife, Eva, applied to the Commissioner of the Cherokee Nation for the Five Civilized Tribes and made application for the enrollment of herself as a citizen of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 11th day of December, 1898, to Eva, a citizen of the Cherokee Nation, and that you are not identified on the Cherokee Census Roll of 1898, and that you have your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 20, 1900, (31 Stat., 433):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1898 (not including freedmen) as the only roll intended to be certified by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose par-

tion (1) respectable citizens of the Cherokee Nation who are unmarried, Delaware, or Delaware by blood, and who shall be appointed with him at least six months immediately prior to the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was a voter."

"Section 303: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, and as hereinbefore authorized and provided, shall be legal."

In view of the law and the testimony in this case the application for the enrollment of myself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

BY (Signed) _____

Inclosure.

Register.

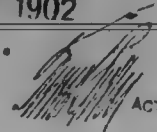
~~Acting Chairman.~~

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 16 1902



ACTING CHAIRMAN

19541.

R.

L.R.S.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 2, 1902.

I. T. D. 1931-1902.
D. C. 5807-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Herman C. Bigham, R 586, transmitted with your letter of February 14, 1902, and the letter of the Acting Commissioner of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. O. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R. 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1893, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

E.H.D.

1 inclosure.

RECEIVED

FOR THE CHAIRMAN

ACTING CHAIRMAN

RECEIVED

FILED
16 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO

Interior of the Big Horn of the
vicinity of the Cheyenne Territory
September 14 1902. The following
persons are hereby named as
the members of the Commission of

FILED

Attest: Indian Territory

Attest: Herbert C. Brown

Attest: Indian Territory, April 23 1902

CHIEF OF BUREAU

Cherokee R-586.

Muskogee, Indian Territory, April 15, 1902.

Mr. Herman C. Bigham,

Vera, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLE.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-306.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Norman C. Bigham, Cherokee No. B-306, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,


Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of Herman C. Bigham for enrollment as a citizen of the
Cherokee Nation.*

Cherokee No. R. 586.

*W W Hasling I
Attorney for Cherokee Nation.*

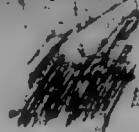
Cher R 587

Cher R 587

R581 a

~~MEMO 117~~

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 1900


ASTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Bartlesville, I. T., October 9, 1900.

In the matter of the application of Sarah A. Beffa for the enrollment of herself, husband and children as Cherokee citizens—she being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Sarah A. Beffa.
Q How old are you? A I am 56.
Q What is your postoffice? A Bartlesville, I.T.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have enrolled—yourself and no else?
A Myself and children.
Q How many children? A Two at home.
Q You don't apply for your husband? A Yes, I have a marriage certificate. I will if I can.
Q Is he a white man? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Your husband you say is a white man? A Yes sir, white man.
Q How long have you lived in the Cherokee Nation? A Born and raised here, but haven't lived here all the time.
Q You say you were born in the Cherokee Nation, but have not lived here all the time? A No, I have been away for a while and come back, and was admitted again.
Q When were you admitted? A In 1894.
Q Have you a certificate of your admission? A Yes sir.

By the Commissioner—

The applicant presents what is accepted by the Cherokee representative present, as an official copy of an act of the Cherokee Council approved Nov. 23, 1894, admitting certain persons to citizenship, provided said persons move to the Cherokee Nation within six months after the approval of the act. Among the persons named in that act appears the name of Sarah A. Beffa.

- Q That is your name? A My name is Beffa, yes.
Q This name that I have read is that intended for you? A Yes sir.
Commissioner— This is recognized as official evidence of the fact stated.
Q Now did you come to the Cherokee Nation within six months after the approval of that act; that is to say, within six months after Nov. 23-'94? A Yes, I was here and never went away.
Q Have you made it your home ever since Nov. 23-94? A Yes sir.
Q Never lived outside of the Nation at all? A No sir.
Q Give me the name of your husband? A Alphonse Beffa.
Q You were married to him under United States law before you were admitted to citizenship, were you? A Yes.
Q And then remarried to him under Cherokee law at a later date? A Yes.

Commissioner:

The applicant presents a Cherokee license issued by the Clerk of Cooweescoowee district, August 6, 1897, authorizing her marriage to her husband as stated by her. The certificate shows that they were united in marriage in accordance with said license on the same date as the license. This is filed herewith.

- Q Has your husband lived with you ever since you were admitted to citizenship in '94? A Yes sir.
Q Give me the names please of your children? A Walter N. Henry.
Q That is the child of a former husband? is it? A Yes sir.
Q How old is that child? A He's 20.
Q Give me the name of your next child A Myrtle Henry.
Q How old is that child? A 15.
Q Both living are they? A Yes.
Q These two children are mentioned in the certificate that admitted you? A Yes.
Commissioner— The names of Walter and Myrtle Henry are both identified in the official copy of the act of the Cherokee Council admitting their mother.

Q These children came to the Cherokee Nation the same time you did and they have lived here ever since. A Yes sir.
1896 roll: page 121, 1897, Sarah Ruffo, Commissioner.
1898 roll: page 125, 1899, Walter Henry,
1900 roll: page 125, 1901, Myrtle Henry.

Commissioner.

The applicant applied for the enrollment of herself and two children. She is shown to have been admitted to Cherokee citizenship in 1894, and to have lived in the Cherokee Nation ever since her admission. She is identified on the roll of 1896, and she will be listed now for enrollment as a Cherokee by blood.

Her two minor children, whose names are given in the testimony are identified with her on the official copy of the act of the Cherokee Council, admitting the applicant and certain ones of her family to citizenship, also they were minors at the time of their mother's admission, and are still minors. They are identified with their mother on the roll of 1896, and are living, and they will be listed now for enrollment as Cherokees by blood.

The applicant's husband is shown to have married her under Cherokee law in 1897. He had married her under United States law prior to her admission to Cherokee citizenship. He is not on the roll of 1896, or upon any roll, and under the Cherokee law of 1895, prohibiting the acquisition of citizenship by a foreigner, he is not deemed to have acquired the right of enrollment, and under the circumstances, this Commission is not considered to have any jurisdiction over his case, and a memorandum simply will be made to that effect. If it is desired that this memorandum be reported to the Secretary of the Interior, it will be done upon the receipt of a written request to that effect.

E. C. Rotherberger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. C. Rotherberger

Subscribed and sworn to before me this 10th day of October, 1900.

Commissioner
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 6 1900

Date.....OCT 9.....1900.....

Name Adrian...

District _____

Citizen by blood *Yes* Mother's citizenship.....

Intermarried citizen

Married under what law Cher Date of marriage 1/1/1971

License Certificate

Wife's name

District Year Page No.

Citizen by blood..... Mother's citizenship.....

Intermarried citizen

Married under what law Date of marriage

License Films Certificate 1118 Oct 1 1941

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. 1 Age _____
 *

Year..... Page..... No..... Age.....

Dist. Year Page No. Age

Dist. Year Page No. Age

Disc..... Year..... Page..... No..... Age.....

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. 1 Year 1900 Page 1 No. 1 Age 1

~~Marriage License~~

10047

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
OFFICE OF THE ASSISTANT ATTORNEY GENERAL
WASHINGTON, D. C.
JAN 20 1907

Handwritten signature

COMMISSIONERS:

HENRY L. DAWFS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married under U.S. Law ante 1895, and
Cherokee law in 1897; judgment stated.

Cherokee R 587

1

MARRIAGE LICENSE.

CHEROKEE NATION COOWEESCOOWEE DISTRICT.

To any person legally authorized, greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of marriage between Mr. Alphonso Beffa, a foreigner, and Mrs. Sarah Beffa (nee) Blythe a citizen of the Cherokee Nation and you are required to return this License to me within thirty days from the celebration of such Marriage, with a certificate of same appended thereto and signed by you.

Given under my hand and seal of office, this the 6th day of August 1897.

(Signed) Joe M. LaHay.
Clerk Cooweescoowee District.
By R. Lee Comer, Dept. Clk.

(SEAL)

I hereby certify that I united in the Holy Bonds of Matrimony the within named parties on this the 6th day of August 1897.

(Signed) Joe M. LaHay, Clerk
Cooweescoowee District, C. N.
By R. Lee Comer,
Dept. Clk.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. August 21, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Alphonso Beffa as a citizen of the Cherokee Nation.



Commissioner.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Alphonse Beffa, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 587, it is entitled Alphonse Beffa, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 587.

(COPY)

Cherokee R 587

Muskogee, Indian Territory.
February 14, 1902.

Mr. Alphonse Beffa,

Bartlesville, Indian Territory.

Sir:

On the 9th day of October, 1900, your wife, Sarah A. Beffa, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 6th day of August, 1897, to your wife, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census roll of 1896, and that your application for enrollment is based upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may

have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to

the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES

BY (Signed) ~~_____~~ *T. B. Needles.*

Enclosure

Register

~~_____~~ *Assistant Secretary.*

Commissioner in Charge.

RECEIVED
COMMUNICATIONS SECTION
JAN 11 1962

ACTING CHAIRMAN

L. R. S.

F.

J, P,

DEPARTMENT OF THE INTERIOR.

Washington.

I. T. D. 2158-1902.
D. C. 5996-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Alphonse Beffa, R 587, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Huskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 3, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

COMPTON

11-1-1900

ACTIVE CHAIRMAN

Cherokee P-587

Muskogee, Indian Territory, April 17, 1902.

Alphonse Beffa,

Bartlesville, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-587.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Alphonse Beffa, Cherokee No. R 587, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902 in the matter of the application*

of

Alphonso Biffa

for enrollment as citizen of the

Cherokee Nation.

W. H. Hastings
Attorney for Cherokee Nation.

Cherokee No.

R-587.

Cher R 588

Cher R 588

a ~~Memorandum~~
(R 585)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 24 1901



By the Commission.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SAVANNAH, GA., OCTOBER 10th, 1900.

In the matter of the application of Nancy Sixler for the enrollment of herself and husband as citizens of the Cherokee Nation, said husband being sworn by Commissioner C. C. Breckinridge, testified as follows:

Q Give me your name? A Nancy Sixler.
Q How old are you? A About 40.
Q What is your post office? A Warleyville.
Q In what district do you live, coo wecooscoowee? A Yes, sir.
Q Who is it you want to have put on the roll, you or self? A Yes, sir.
Q Got a husband? A Yes, sir, no children.
Q What are you full blood? A Yes, sir.
Q Are you Cherokee? A No, sir, Delaware.
Q Is your husband Delaware? A No, sir, white man.
Q How long have you lived in the Cherokee Nation? A Many years.
Q Give me the name of your father? A Ford Faldieff.
Q Is he alive or dead? A Dead.
Q The name of your mother? A Martha Faldieff.
Q Is she dead or alive? A Dead.
Q Have you ever been married except to your husband? A No, sir.
Q Has he ever been married except to you? A No, sir.
Q What is his name? A Frank Sixler.
Q How old is he? A I do not know.
Q You got his marriage license and certificate? A Yes, sir.

Com'r Breckinridge:--The applicant produced to an illu-
minated license showing that she was married to her husband as stated by
her on the 11th of August, 1899. This is returned.
1899 enrollment; page 107, 1899. Nancy Sixler, coo wecoos-
coowee.
1899 enrollment; page 302, 1899, Nancy Sixler, coo wecoos-
coowee.

Com'r Breckinridge:--The applicant applies for the enrollment
of herself and husband. She is identified on the rolls of 1899
and 1899 as a Cherokee Delaware. She has lived in the Cherokee Nation
all her life. Her change of name arises from her marriage and her
certificate of marriage is cited in the testimony. She was listed
for enrollment now as a Cherokee Delaware. Her husband married
her in 1899 and in accordance with United States law. He not hav-
ing procured a Cherokee license, but his marriage is within the
Cherokee law of 1899, prohibiting the acquisition of citizenship
rights by intermarriage. He not having married in accordance with
Cherokee law, it is considered that the Commission has no jurisdic-
tion over his application. His marriage is too late for him to be
upon any existing roll. A memorandum simply will be made of his
application. If he desires that memorandum to be transmitted to
the Secretary of the Interior it will be done so upon the receipt of
a written application to that effect.

---OOOOOOOO---
J. O. Rossen, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this 10th day of October, 1900.

C. C. Breckinridge

Commissioner.

B. *[Handwritten signature]*
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 10 1900

[Handwritten signature]
ACTING CHAIRMAN.

Date..... OCT 10 1900..... 1900.

Name 4-10-1968

District _____

Citizen by blood Mother's citizenship.

Intermarried citizen.....

Married under what law Date of marriage

License _____ Certificate _____

Wife's name _____

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen.....

Married under what law..... Date of marriage.....

License **Certificate**

Names of Children:

[illegible]

R 588

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 20 1901

[Handwritten signature]
ACTING COMMISSIONER

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married in 1899, U.S. Law; judgment
stated.

Cherokee R 588

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 24 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Frank Bixler, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 588, it is entitled Frank Bixler, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED

T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.588.

(COPY)

Cherokee R-588

Cherokee, Indian Territory, February 14, 1902.

Mr. Frank Miller,

Marionville, Indian Territory.

Sir:-

On the 10th day of October, 1900, your wife, Nancy Miller, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by inter-marriage with the Cherokee Nation.

It appears from the testimony in this case that you were married on the 11th day of August, 1900, to your wife, a citizen by blood of the Cherokee Nation, under a license issued in accordance with the laws of the United States; that you are not identified on the Cherokee Census Roll of 1901, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1906, (34 Stat., 491):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1901 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they

shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been omitted by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since said rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Texas Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 659: - - every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any one of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - -"

"Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who

"Article IV: No person, not an alien or citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation except as hereinbefore authorized and provided, shall be legal."

This decision, with a brief explanation of the reasons therefor, will be transmitted to the Secretary of the Institute for his review and decision. The final decision of the Secretary of the Institute will be made known to the Commission in the report of the same.

(Signed) T. B. Needles.

~~Nothing Out of the Ordinary.~~

Commissioner in Charge

COMMISSION TO

FILE

APR 16 1902

 ACTING CHAIRMAN

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

April 2, 1902.

I. T. D. 1932-1902.
D. C. 5808-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen: -

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Frank Bixler, R 588, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

THOS RYAN.

Acting Secretary.

E.M.D.

L. R. S.

T.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.

April 2, 1902.

1828-1902.

D. C. 5760-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.

* * * * *

"Sec. 600. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1903,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

5

Charleston, B-3-1-1.

Lawrence, Indian Territory, April 15, 1902.

Mr. Frank Binkley,

Bartlesville, Indian Territory,

Sir:

You are hereby advised that the Commission's Decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

Cherokee R-523.

Muskogee, Indian Territory, April 15, 1902.

Mr. Frank Bixler,

Bartlesville, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY I. DAWES.
TAMM BIXBY
THOMAS B. NEEDLE
C. R. BRICKNIDGE

ALLISON LYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-555.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for the Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Frank Bixler, Cherokee No. B-555, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered* FEB 14 1902 *in the matter of the application*

of Frank B. Bish
Cherokee Nation.

for enrollment as ... citizen ... of the

Attorney for Cherokee Nation.

Cherokee No.

R 588

Cher R 589

Cher R 589

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Talesphor A. Paradee
for enrollment as a citizen by intermarriage of the Cherokee Nation.

II II II II II II II II

DECISION.

--:0:--

The record in this case shows that on October 11, 1900, Anna Paradee appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment, among others, of her husband, Talesphor A. Paradee, as a citizen by intermarriage of the Cherokee Nation. At Dewey, Indian Territory, on October 17, 1902, Talesphor A. Paradee appeared in person, and submitted evidence in the matter of his application for enrollment as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Talesphor A. Paradee was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on May 26, 1893, to his said wife, Anna Paradee, nee Winn, a Cherokee citizen of Delaware blood.

The evidence further shows that Talesphor A. Paradee has not abandoned his said wife, and that he has been a resident of the Indian Territory from the time of his marriage to her, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Talesphor A. Paradee should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tams Bixby.
Acting Chairman.

I. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
MAR - 2 1903
this _____

AMERICAN
INDIAN BUREAU
U. S. DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R-589

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Anna Paradee for the enrollment of her husband, Talesphor A. Paradee, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-321

Cher R 590

Cher R 590

Examination by Mr. Starr.

- Q. Did you and [redacted] married? A. Yes, sir; just as
Q. When after the license was issued? A. [redacted]
Q. Did you marry at the same time? A. Yes, sir; just as
Q. Did you say the license was issued? A. Yes, sir; just as
Q. Did you say the license was issued? A. Yes, sir; just as

Q. [redacted] said, when only [redacted], stated that as
stated to the [redacted] to the [redacted] [redacted] to
reported the above [redacted] [redacted] [redacted] is a
true and [redacted] true [redacted] [redacted] [redacted] [redacted]

10th [redacted] [redacted]
[redacted] [redacted]
[redacted] [redacted]

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9th, 1902.

In the matter of the application of Henry Odell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to R-590.

Cherokee Nation appears by J. C. Starr.

HENRY ODELL, being duly sworn, testified as follows:
Examination by the Commission.

- Q. Your name is Henry Odell. A. Yes, sir.
Q. How old are you? A. I am 54 years old.
Q. What is your post office? A. Ramonia.
Q. Used to be Ocheleta? A. Yes, sir.
Q. You are a white man, are you? A. Yes, sir.
Q. You are claiming as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of the wife through whom you are claiming?
A. Her name is Margaret Odell now. It was Margaret Wing before I married her.
Q. Is she living? A. Yes, sir.
Q. Is she a Cherokee by blood? A. Yes, sir.
Q. Is she your first wife? A. No, sir; she is my second.
Q. What was your first wife's name? A. Marinda Odell.
Q. When were you married to her? A. That was a good many years ago. I can't give the date.
Q. Was she dead? A. No, she got married again before I did.
Q. You and she were divorced? A. Yes, sir.
Q. When was that? A. I sent a copy of my wife's divorce to this Commission.
Q. Were you divorced from your first wife before you married your second? A. No, she got the divorce, and the Dawes Commission wanted me to send them a copy of it. I done so.
Q. You married after your wife got a divorce from you?
A. Yes, sir.
Q. Your first wife was a white woman? A. Yes, sir.
Q. When were you married to this wife? A. You can get the date there, I think. (presenting affidavit.)
Q. You got out a marriage license to marry Margaret Wing in 1887, did you? A. Yes, sir. When we drew the strip money we went to take the marriage certificate and my wife laid the marriage certificate down and lost it and I had to send to get a copy of it.

Applicant presents an affidavit executed by William B. Cary to the effect that when he was clerk of Cooweescoowee district in 1887 he issued a marriage license to Henry Odell to marry one Margaret Wing, nee Duncan, a citizen of the Cherokee Nation and that he performed the marriage ceremony between said parties.

- Q. Have you been living with your wife ever since you married her?
A. Yes, sir.
Q. Been living in the Cherokee Nation? A. Yes, sir.
Q. You were never separated from her? A. No, sir.
Q. You have been living together all these years? A. Yes, sir.
Q. Have you any children? A. No, they are both dead.

Examination by Mr. Starr.

- Q. When were you and Margaret married? A. We have been married--
it is 14 years ago.
Q. How soon after the license was issued were you married?
A. We were married at his house.
Q. The same day the license was issued? A. Yes, sir; just as
quick as the license was issued.

XX

Jesse O. Carr, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported the above entitled case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of December, 1902.

Jesse O. Carr
H. Reuter
Notary Public.

4370

1

Q

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application for the enrollment of
Henry Odell as a citizen by intermarriage of the Cherokee Nation.
-- -- -- -- --

DECISION.

--:o:--

The record in this case shows that on October 12, 1900, Henry Odell appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that Henry Odell, a white man, was divorced from a former wife in the State of Pennsylvania, and subsequent thereto he was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on the 10th day of July, 1889, to one Margaret Wing, nee Duncan, a citizen by blood of the Cherokee Nation. Said Henry Odell is not identified on any of the rolls of the Cherokee Nation in possession of the Commission.

The evidence further shows that the said Henry Odell has lived with his said wife continuously in the Cherokee Nation since his marriage to her, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Henry Odell should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB - 2 1903

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-590.

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Henry Odell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-12.

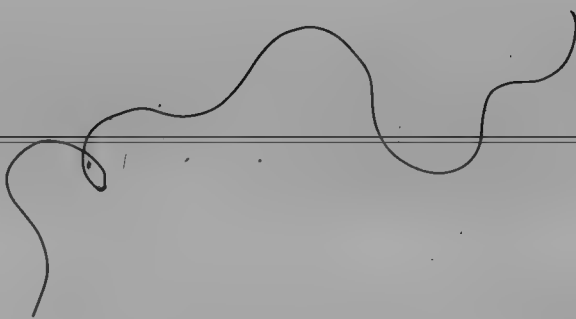
R 90

Henry Odell.

WITH THE OTHERS IN THE TOWN.

Cher R. 591

Cher R 591



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 20 1901


ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15th, 1900.

IN THE MATTER OF THE APPLICATION OF John William Brown for the enrollment of himself, his wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breekinridge, testified as follows:

- Q What is your full name? A John William Brown.
Q How old are you? A About thirty two.
Q What is your postoffice? A Ramona.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the rolls? A Myself, wife and children.
Q How many children? A Two.
Q Are you a Cherokee by blood? A I do not know; I am supposed to be.
Q Do you claim to be? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir, she is a Shawnee.
Q How long have you lived in the Cherokee Nation? A I was raised here.
Q Have you lived here all your life? A No, sir; part of the time I was out.
Q How long have you lived here continuously? A Thirteen years.
Q Are you on the roll of 1880? A I do not know.
Q What is your father's name? A George W. Brown.
Q Is he dead? A No, sir; he is living.
Q What is your mother's name? A Louisa.
Q Is she dead? A Yes, sir.
Q Are you on the roll of 1896? A I do not know.
Q Did you ever apply to the Dawes Commission for admission?
A No, sir.
Q Did you ever apply to the Cherokee Commission or Council for citizenship? A Yes, sir, I think they did.
Q What did they do about it? A I do not know; it seems to me we were rejected.
Q Give me the name of your wife? A Eliza Brown.
Q How old is she? A Twenty-six.
Q How long has she lived in the Cherokee Nation; all her life?
A Yes, sir.
Q Give me the name of her father? A Dan Squirrel.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother? A Lizzie Squirrel.
Q Is she dead or living? A She is dead.
Q Give me the names of your children? A Henry Lawrence Brown.
Q How old is he? A Two years old.
Q Give me the name of the next child? A Frank Brown.
Q How old is he? A About two months old.
Q Were you ever married before you married this wife? A Yes, sir.
Q When did you marry this wife? A About three years ago.
Q Have you a license and certificate? A Yes, sir.

The applicant presents a license, issued by the Clerk of the United States Court, Northern District of the Indian Territory, July 21st, 1899, authorizing his marriage to his wife as stated by him. The certificate shows that they were united in marriage on the 18th day of September, 1899, by Sarah A. Simcox, Minister of the Gospel.

- Q Was your former wife dead when you married your present one?
A Yes, sir.
Q Were you divorced from her? A Yes, sir.
Q Have you a copy of the decree? A No, sir.
Q Was your wife ever married before she married you? A No, sir.
(1880 roll, page 177, #2559, Lizzie Squirrel, Coe. District.)
(1896 roll, page 348, #290, Lizzie Perry, Coe. District.)
Q Was she living in a family named Perry? A Yes, sir; she lived in Sam Perry's family.
Q Did you apply for enrollment in 1896? A No, sir.
Q Why did you not apply for enrollment in 1896? A I do not

know; I was here.

Q You have no evidence that you can show that you have ever been admitted to citizenship? A Yes, sir; I believe I can get it.

Q What evidence have you? A I can get an old lady.

Q I want some legal evidence? A I do not know anything about it then.

Q You spoke of having been admitted by the Cherokee Commission?

A My father said I was; I do not know anything about it.

The applicant applies for the enrollment of himself, his wife and two children; his wife is identified on the rolls of 1880 and 1896, as a Shawnee. She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee Shawnee.

When the Commission is supplied with certificates of the birth of her children, Henry H. and Frank Brown, they also will be listed for enrollment as Cherokee Shawnees.

The applicant states that he was married to his wife three years ago, and the marriage license and certificate, filed herewith, show that he was married in September, 1899, about one year ago.

He states that he had been formerly married to her; he is not identified upon any roll, and he does not produce any evidence of ever having been admitted to Cherokee citizenship, though he claims in a vague way that he has heard that he has some rights of that character. His marriage, as established, is shown to be in accordance with United States law, and not in accordance with Cherokee law; and, in any event, it is too late under the Cherokee law of 1895 to entitle him to enrollment. Therefore, he is deemed not to have been admitted to Cherokee citizenship at any time, by any authority; and his name not appearing on any roll, it is decided that the Commission has no jurisdiction over his case; simply a memorandum will be made of his application. If he desires this decision to be reported to the Secretary of the Interior, it will be done upon a written request to that effect.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 16th day of October, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 19th day of November, 1901.

[Signature]
Notary Public.

20
1

700

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FILED
MAY 20 1901

Handwritten signature

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

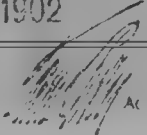
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married under U.S. Law, in 1899 and on no
roll; wife duly enrolled; judgment stated.

Cherokee R 591

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 24 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of John W. Brown, refused by the Commission under the provisions of the Act of Congress, approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R 591, it is entitled John W. Brown, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enclosure C.R. 591

(COPY)

Cherokee R 391

Muskogee, Indian Territory.

February 14, 1902.

Mr. John W. Brown,

Rameno, Indian Territory.

Sir:

On the 15th day of October, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 15th day of September, 1899, to one Eliza Squirrel, a citizen of the Cherokee Nation by Shawnee blood. That you are not identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may

have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; X X X X"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It further appears from the testimony that you were married under a license issued by the Clerk of the United States Court for the Northern District of Indian Territory. The Cherokee law applicable in this case is as follows:

Section 659: "Whereas, the peace and prosperity of the Cherokee people require, that, in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware, or Shawnee' woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue."

Section 660: "Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

Section 663: "No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) F. B. Needles.

Enclosure

Register

~~Acting Chairman.~~

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

FEB 14 1902

FEB 14 1902

Attorney for Cherokee Nation

COMMISSION TO

FILED

APR 16 1902

ACTING CHAIR

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

April 2, 1902.

T. T. D. 1933-1902.
D. C. 5809-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of John W. Brown, R 591, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos Ryan,
Acting Secretary.
F.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.

April 2, 1902.

1828-1902.

D. C. 5760-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 3, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Chester R-591.

Muskogee, Indian Territory, April 15, 1902.

Mr. John W. Brown,

Hamona, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation, is affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Respectfully,

Acting Chairman.

Register.

COMMISSION TO
REVIEW THE
LANDS OF THE
INDIAN TERRITORY
APR 15 1902

ACTING CHAIRMAN

Cherokee R-891.

Muskegee, Indian Territory, April 15, 1902.

Mr. John W. Brown,

Ramona, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLE,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-891.

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, April 18, 1902.

W. V. Hastings, Esq.,

Atty. for the Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of John W. Brown, Cherokee No. B- 891, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 592

Cher R 592

Joanna May enrolled.

Her husband: George May.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October 16th 1900.

In the presence of the Commission of Joanna May for her enrollment
of her husband as Cherokee citizen. She had been sworn
before the Commission testified as follows:-

Q What is your name? A. Joanna May.

Q How old are you? A. 31.

Q Where is your place of birth? A. Nowata.

Q In what county or district? A. Nowata.

Q How long have you lived in Nowata? A. Since I was married.

Q How long? A. 6 years.

Q Are you a Cherokee citizen? A. Yes sir.

Q When did you become a citizen? A. Yes sir.

Q How long have you lived in the Cherokee Nation? A. Since I was borned.

Q Are you on the 1880 roll? A. Yes sir.

Q How long have you lived in Nowata? A. Joe Brown.

Q How long? A. 6 years.

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. No, sir, she is living.

Q How long have you lived in Nowata? A. George May.

Q How long? A. He is 30.

Q How long have you lived in Nowata? A. 15th day of August, 1899.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

By the Commission: Joanna May, wife of George May, was sworn by Commissioner

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. 31.

Q How long have you lived in Nowata? A. Nowata.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. No, sir, she is living.

By the Commission:

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. 31.

Q How long have you lived in Nowata? A. Nowata.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. No, sir, she is living.

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. 31.

Q How long have you lived in Nowata? A. Nowata.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. 31.

Q How long have you lived in Nowata? A. Nowata.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. 31.

Q How long have you lived in Nowata? A. Nowata.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. 31.

Q How long have you lived in Nowata? A. Nowata.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

Q How long have you lived in Nowata? A. Elizabeth Brown.

Q How long? A. 31.

Q How long have you lived in Nowata? A. Nowata.

Q How long have you lived in Nowata? A. Yes sir, I have lived in Nowata since I was borned.

13
171-111-111-111
COMM 3.

OCT 16 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PACIFIC CIVILIZED TRIBES.

FILED
OCT 16 1900

 ACTING CHIEF

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 16 1900 1900.

Name John May, Jr.

District _____ Year _____ Page _____ No. _____

Citizen by blood **Mother's citizenship**

Intermarried citizen

Married under what law Date of marriage

License _____ **Certificate** _____

Wife's name

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License _____ Certificate _____

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

THE UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MAY 20 1961

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married 1900, U.S. Law; on no roll;
wife duly enrolled; judgment stated.

Cherokee R 592

1390
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 24 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of George May, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R 592, it is entitled George May, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*
Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enclosure C. R 592.

(COPY)

Cherokee R 592

Muskogee, Indian Territory.

February 14, 1902.

Mr. George May,

Nowata, Indian Territory.

Sir:

On the 16th day of October, 1900, your wife, Joanna May, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 15th day of August, 1900, to your said wife, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may

have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x 'x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It further appears from the testimony in this case that your marriage to your said wife was in accordance with the laws of the United States.

The Cherokee law applicable in this case is as follows:

Section 659: "Whereas, the peace and prosperity of the Cherokee people require, that, in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware, or Shawnee' woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue.

Section 660: "Every white man or person applying for license, as provided in the proceeding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

Section 663: "No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. P. Needles.

BY (Signed) T. P. Needles

Enclosure

Register

~~Acting Chairman.~~

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FEB 14 1902

Muskogee, Indian Territory.

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered*

of **George May**
Cherokee Nation.

for enrollment as a citizen of the

Cherokee No. R. 592.

W. W. Hastings
J. C. I.
Attorney for Cherokee Nation.

COMMISSION TO ...

FILED
APR 16 1902



ACTING CHAIRMAN

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 1934-1902.
D. C. 5811-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of George May, R 592, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 3, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

E.H.D.

1 inclosure.

Cherokee 2-100.

Vasquez, Indian Territory, April 15, 1903.

Mr. George May,

Nowata, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1903, rejecting your application for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 2nd day of April, 1903.

Very respectfully,

ACTING CHAIRMAN

Acting Chairman.

Register.

Cherokee R-592.

Muskogee, Indian Territory, April 15, 1902.

Mr. George May,

Nowata, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLE.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-892.

Muskogee, Indian Territory, April 15, 1902.

W. V. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of George May, Cherokee No. B-892, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 593

Cher R 593

1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 2568. 2569. 2570. 2571. 2572. 2573. 2574. 2575. 2576. 2577. 2578. 2579. 2580. 2581. 2582. 2583. 2584. 2585. 2586. 2587. 2588. 2589. 2590. 2591. 2592. 2593. 2594. 2595. 2596. 2597. 2598. 2599. 2600. 2601. 2602. 2603. 2604. 2605. 2606. 2607. 2608. 2609. 2610. 2611. 2612. 2613. 2614. 2615. 2616. 2617. 2618. 2619. 2620. 2621. 2622. 2623. 2624. 2625. 2626. 26

二

NOTATA, I. C., OCTOBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Frank P. Bardo for the enrollment of himself and wife as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Anderson, testified as follows:

- Q What is your full name? A Frank P. Bardo.
Q How old are you? A Twenty nine.
Q What is your Postoffice? A Ruby.
Q Do you live in Coconino County District? A Yes sir.
Q Who is it you want to have put on the roll? A Myself and wife.
Q Any children? A No sir.
Q Are you a Cherokee by blood? A Yes sir. No sir.
Q White man? A Yes sir.
Q Is your wife a Cherokee? A Yes sir.
Q The applicant presents a license issued by the Clerk of the United States Court, May 14th, 1900, authorizing marriage between himself and Miss Sadie Cheney; and the certificate shows that they were united in marriage on the 11th of the same month, and in the same year, by the Reverend G. W. Jenson; This is filed herewith.
Q Were you ever married except to your present wife? A No sir.
Q You and she have lived together ever since you married last May?
A Yes sir.
Q Your wife's full name then at present is Sadie Bardo?
A Yes sir.
Q How old is she? A Nineteen.
Q Was she born in the Cherokee Nation? A Yes sir.
Q Was she lived here all her life? A Yes sir.
Q What is her father's name? A Mr. Cheney.
Q Is he a Cherokee or a white man? A White man.
Q Is he dead or living? A Living.
Q What is her mother's name? A Julia Cheney.
Q Cherokee or white woman? A Cherokee.
Q Is she dead or living? A Living.
Q What name was your wife's mother called by her maiden Julia?
A Pinky.
Q (1890 Roll, Page 90, 1892, Pinky Cheney, Coconino County Dist)
(1890 Roll, Page 126, 1893, Sadie Cheney, Coconino County Dist)
Q Has your wife lived in the Cherokee Nation all her life?
A Yes sir.

The applicant applied for the enrollment of himself and his wife: His wife is identified on the roll of 1894, as a native Cherokee: She is too young to be on the roll of 1890, but her mother is identified on that roll: The applicant states that his wife has lived in the Cherokee Nation all her life: Her change of name is established by the marriage license and certificate filed herewith: She will now be listed for enrollment as a Cherokee by blood.

The applicant is a white man: He is sworn to have married his wife in accordance with United States law on May 11th, of the present year: His marriage coming after the Cherokee law of 1898, and his not having been married in accordance with Cherokee law, it is considered that the Commission has no jurisdiction over his application, and only a memorandum will be made of the fact that he applied: If he desires this memorandum to be reported to the Secretary of the Interior, it will be done, upon the receipt of a written request to that effect.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the

-2-

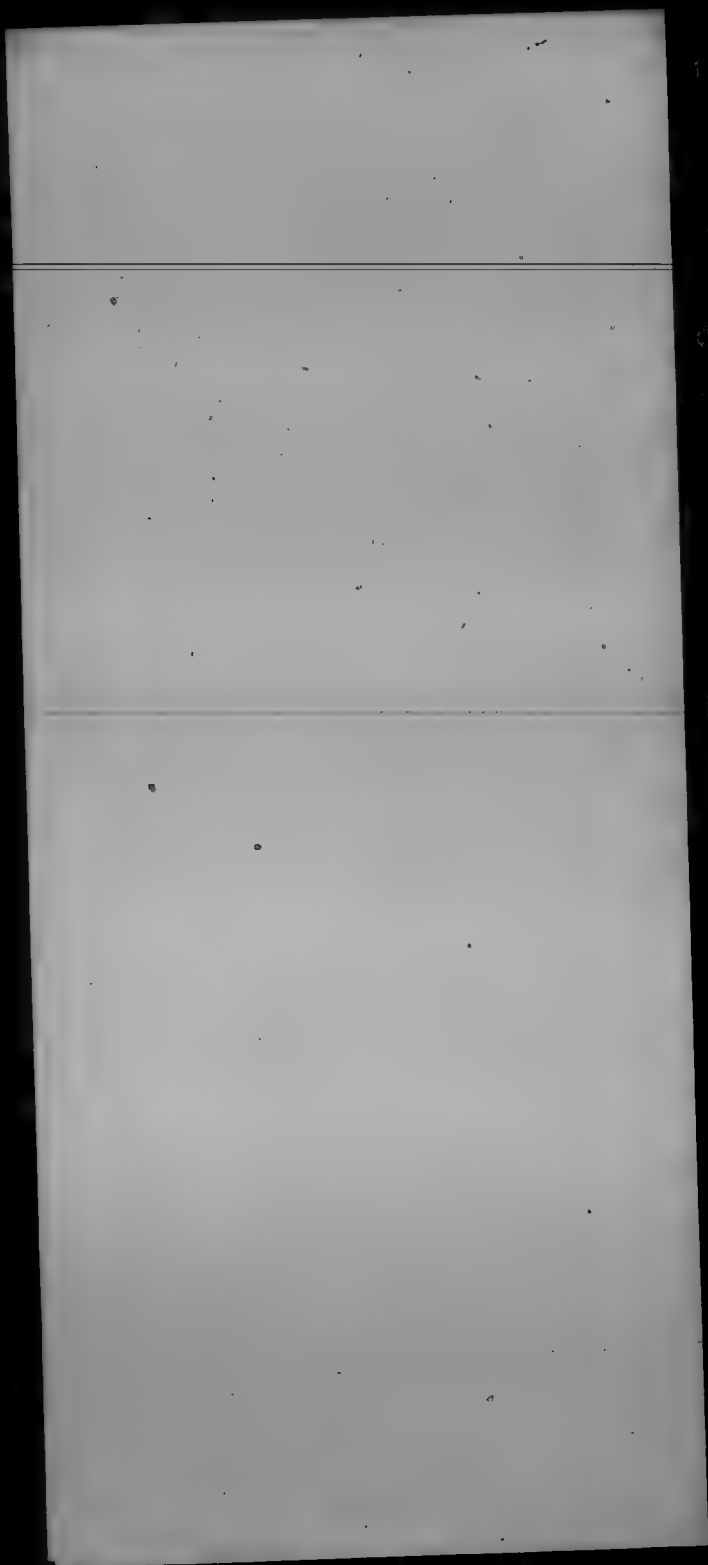
testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. R. Ingram

Subscribed and sworn to before me this 17th day of October, 1900.

T. D. Smith

COMMISSIONER.



CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 17 1900 1900.

Name Frank F. Farber, Ruby D.

District _____ Year _____ Page _____ No. _____

Citizen by blood No. Mother's citizenship _____

Intermarried citizen Yes

Married under what law _____ Date of marriage 1900

License _____ Certificate _____

Wife's name Judie Farber

District _____ Year _____ Page _____ No. _____

Citizen by blood Yes Mother's citizenship _____

Intermarried citizen No

Married under what law _____ Date of marriage _____

License Filed OCT 1 1900 Certificate Filed OCT 1 1900

Names of Children:

| | | | | |
|-------------|------------|------------|-----------|-----------|
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |

Marriage license and cert. attached

[Large diagonal handwritten signature/initials across the bottom half of the page]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 17 1900

CERTIFICATE OF RECORD.

United States of America, } ss.
INDIAN TERRITORY,
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 5 day of June, 1900, at M., and duly recorded in Book 2, Marriage Record, Page 465.

WITNESS my hand and seal of said Court at Muskogee, in said Territory this 7 day of June, A. D. 1900

By

CHAS. A. DAVIDSON,
Clerk, U. S. Courts.

Clerk.

Deputy.

Mar 13-2

NOV 2 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F I L E D
OCT 17 1900

ACTING CHAIRMAN

CERTIFICATE OF RECORD.

United States of America, } ss.
INDIAN TERRITORY,
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 5 day of June, 1900, at M., and duly recorded in Book 2, Marriage Record, Page 465.

WITNESS my hand and seal of said Court at Muskogee, in said Territory

this 7 day of June, A. D. 1900

Charles A. Davidson Clerk.

By Deputy.

JUN 5 1900

CHAS. A. DAVIDSON,
Clerk, U. S. Courts.

Mar 1900

MARRIAGE LICENSE



United States of America,
INDIAN TERRITORY,
Northern District.

ss.

No. 590

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the
Banns of Matrimony between Mr. *Frank Farbro*
of *Liberty, Kansas*, in the ~~Indian Territory~~, aged *28* years, and
Miss Sadie Chauncy of *Reuby*, in the
Indian Territory, aged *19* years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS my hand and official seal at *Nineta*, Indian Territory, this *14* day of
May, A. D. 190*0*.
Charles H. Davidson
Clerk of the U. S. Court.

By *Ed Chandler* Deputy.

CERTIFICATE OF MARRIAGE.



United States of America,
INDIAN TERRITORY,
Northern District.

ss.

I, *G. W. J. Garrison*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *15* day of *May*, A. D. 190*0*,
I did duly and according to law as commanded in the foregoing License, solemnize The Rite and publish
the Banns of Matrimony between the parties therein named.

WITNESS my hand this *18* day of *May*, A. D. 190*0*.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District.

Book

A

Page

281

G. W. J. Garrison

A Minister of the Gospel.

Banns of Matrimony between Mr. *Frank Farbro*
of *Liberty, Kansas*, in the ~~Indian Territory~~, aged *28* years, and
Miss Edie Chauncy of *Kelly*, in the
Indian Territory, aged *19* years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS my hand and official seal at *Nimita*, Indian Territory, this *14* day of
May, A. D. 190*0*

By *Ta Chandler* Deputy.

Charles C. Davidson
Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

United States of America, } ss.
INDIAN TERRITORY,
Northern District.

I, *G W Jarrison*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *15* day of *May*, A. D. 190*0*,
I did duly and according to law as commanded in the foregoing License, solemnize The Rite and publish
the Banns of Matrimony between the parties therein named.

WITNESS my hand this *18* day of *May*, A. D. 190*0*

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book:

A

Page

281

G W Jarrison
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (\$100.00).

6. R599

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 20 1901

[Handwritten signature]

ACTING AGENT

COMMISSIONERS:

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married 1900 and under U.S. law; consult
roll; judgment stated.

Cherokee R 593

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 24 1902

[Signature]
ACTING CHAIRMAN

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Frank F. Farbro, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 593, it is entitled Frank F. Farbro, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.593.

(COPY)

Cherokee R-593

Wetland, Indian Territory, February 14, 1902.

Mr. Frank M. Harbo,

Wetland, Indian Territory.

Sir:-

On the 14th day of October, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

I appear first before the Indian in this case that you were married on the 14th day of March, 1900, to one Sadie Chancy, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court; that you are not identified on the Cherokee Census Roll of 1900, and that you have made application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 22, 1900, (31 Stat., 497):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1900 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully

admitted to citizenship by local authorities, and the same manner their names were so written; and they shall investigate the rolls of all other persons who have been found on any other rolls and put all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and to correct the same since such rolls were made, with such other white persons as may be entitled to citizenship under the laws:

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to citizenship under the laws of the United States:

"When the roll of a township of any one of said counties or townships is fully completed, as provided in the act, the surveyor of the land, or roll, nation or title, shall be completed, the commissioner, hereafter appointed, order of the survey, and the roll, shall be completed, shall be completed to allot the exclusive use and possession of the surface of all the lands of a township or title, among the citizens thereof, as shown on said roll, giving to each, as far as possible, an equal share thereof, considering the nature and fertility of the soil, location and value of the same; - - -"

The next citation of the law shows that in the matter of intermarried persons then said rolls the restriction is therein restricted to "such intermarried white persons who may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case is as follows:

"Section 600: - - every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware', or 'Pawnee' woman, citizen of this nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and take oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - - -"

"Section 601: Every white man or person applying for license, as provided in the preceding section of this act, shall, before obtaining the same, be required to present to the said

()

who
all
ly

"Section 6: No marriage between a citizen of the United States and an alien shall be entered into upon the basis of race, color, or national origin, and no such marriage shall be entered into, unless the alien has been lawfully admitted to the United States."

[illegible]

CONFIDENTIAL - UNCLASSIFIED

(Signed) Tamara Bixby, T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Inclosure.

Ref: .

Muskogee, Indian Territory.

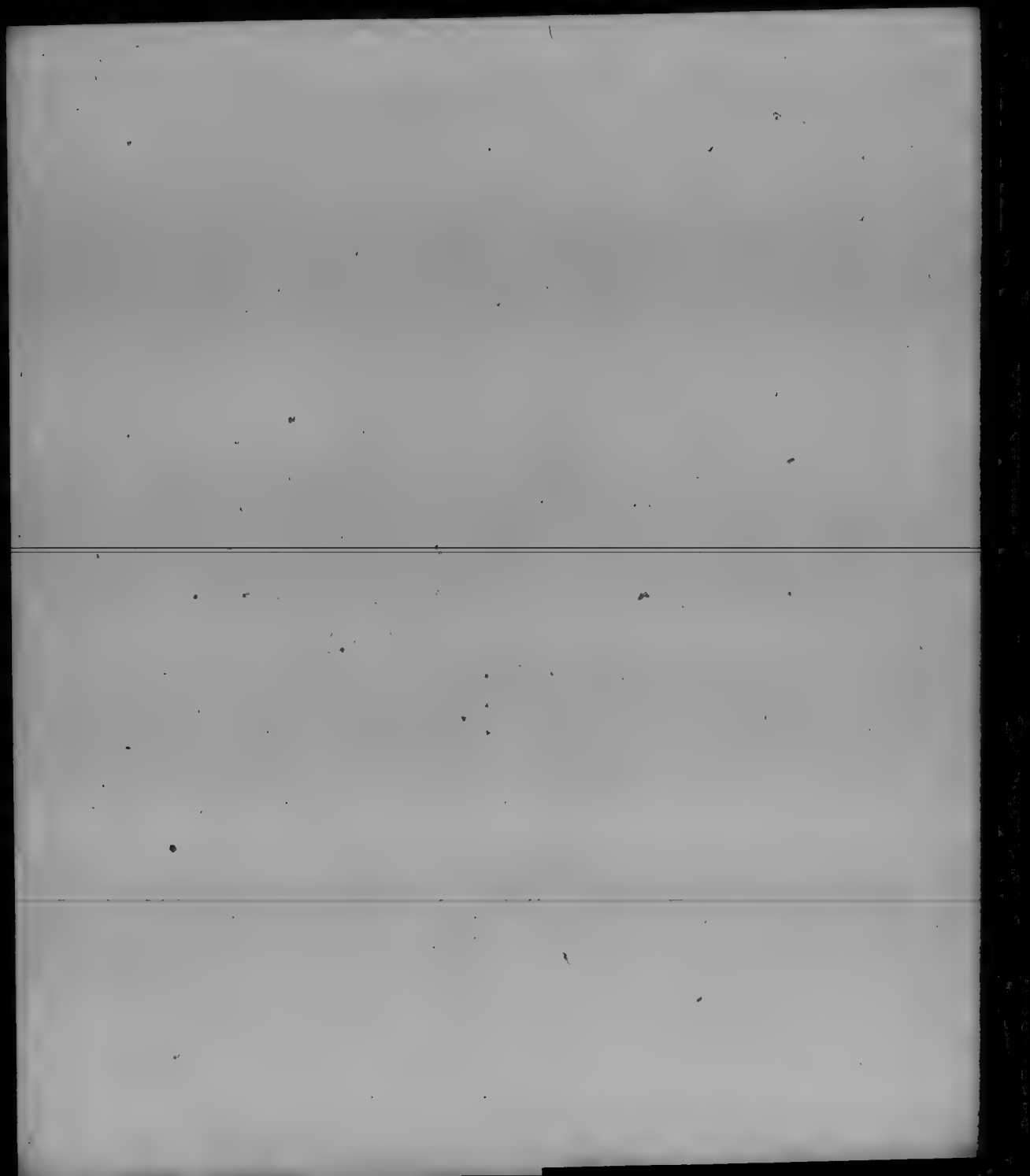
FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered **FEB 14 1902**, in the matter of the application of Frank J. Embro for enrollment as citizen of the Cherokee Nation.

Attorney for Cherokee Nation.

Cherokee No.

R 593



L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I. T. D. 1935-1902.
D. C. 5810-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Frank F. Farbro, R 593, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

100-443931-100

1995

OF THE UNITED STATES DEPARTMENT OF THE INTERIOR

১৯৭৬ সালের ১০ মার্চ তারিখের
 প্রজ্ঞাপন নং ৩৪-এর অধীনস্থ

[illegible]

LEONARD J. ...

THE ACTING JOINT CHIEF OF STAFF

[illegible][illegible]

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.

April 2, 1902.

1828-1902.

D. C. 5760-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1903,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Cherokee R-593.

Muskogee, Indian Territory, April 15, 1902.

Mr. Frank F. Farbro,

Ruby, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-693.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Frank F. Parbro, Cherokee No. B-693, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 594

Cher R 594

1/2 - 1/2

1954

[Faint handwritten notes at the bottom of the page]

Applicant's husband REJECTED:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 25th, 1900.

In the matter of the application of Dottie Bussey for the enrollment of herself, husband and children as citizens of the Cherokee nation; said Bussey being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Dottie Bussey.
Q How old are you? A Here is my age. (Presents paper to Commissioner.)
Q How old are you, don't you know? A My husband can tell.
(Husband answers 27 years.)
Q What is your post office? A Collinsville.
Q You live in Cooweescoowee district? A Yes, sir.
Q You want to have yourself and family enrolled, do you? A Yes, sir.
Q Your husband and five children? A Yes, sir.
Q Are you Cherokee by blood? A Yes, sir.
Q Your husband is a white man is he? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A George Johnson.
Q Is he dead? A No sir.
Q Give me the name of your mother? A Sarah Johnson.
Q Is she dead? A Yes, sir.
Q When were you married? A In '90.
Q Were you ever married except to this husband? A No, sir.
Q Was he ever married except to you? A No, sir.
Q Now, give me your husband's full name? A Francis Marion Bussey.
Q How old is he? A 39.
Q Now, your husband was never married except to you? A No, sir.
Q He got out a Cherokee license when he married you, did not he?
A Yes, sir.

FRANCIS M. BUSSEY, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name? A Francis M. Bussey.
Q You are the husband of this applicant here, Dottie Bussey? A Yes, sir.
Q Did you get out a Cherokee license when you married her? A No, sir.
Q Where did you marry her? A Close to Catoosa.
Q In the Cherokee nation? A Yes, sir.
Q What kind of license did you get? A I did not get any license I went to an official and got married and he give me a certificate, and I got it burned up.
Q You did not go to the Clerk and get out a license? A No, sir.

Dottie Bussey further testified:

- Q Now, your husband has lived with you ever since he married you here in the Cherokee nation? A Yes, sir.
Q Now give me the names of your children? A Dora Bussey.
Q How old is this child Dora? A 11 years old.
Q Now, the next child? A Francis Marion Bussey, Jr.
Q How old is this boy? A He is nine years old.
Q Now, the next child? A Freddie Miller.
Q How old is Freddie? A Seven years old.
Q Now, the next child? A Milliard Fillmore.
Q How old is he? A Four years old.
Q Now, the next child? A Johnnie Hezekiah Bussey.
Q He will be three years old next December? A Yes, sir.
Q These children are all living at this time, are they? A Yes, sir.
1880 Roll; page 123, #1547, Doty Johnson, Cooweescoowee.
1896 Roll; page 108, #285, Doty Bussey, Cooweescoowee.

Dottie Bussey---2.

1896 Roll; page 108, #286, Dora Bussey, Cooweescoowee:
1896 Roll; page 108, #287, Frank Bussey, Cooweescoowee.
1896 Roll; page 108, #288, Fred Bussey, Cooweescoowee.
1896 Roll; page 108, #289, Willard Bussey, Cooweescoowee.

Com'r Breckinridge:--The applicant applies for the enrollment of herself, her husband and five children: her husband appears in the course of the application. She is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. Of her five children the first four named in the testimony are identified on the roll of 1896. They are living now and will be listed for enrollment as Cherokee by blood. When the Commission is supplied with a certificate of the birth of the youngest child, Johnnie A., this child also will be listed for enrollment as a Cherokee by blood.

As for her husband; she states that they were married in 1890 and have lived together ever since, but he did not procure a Cherokee license and hence he is not entitled to enrollment at this time as a Cherokee citizen, and he was not admitted to enrollment in 1896. The Commission, therefore, has no jurisdiction over his application for enrollment. We never having conformed in any way to the civil requirements and only a memorandum will be made to his enrollment. If he desires this memorandum to be reported to the Secretary of the Interior, it will be done so upon the receipt of a written request to that effect.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 25th day of October, 1900.

A. M. H. H. H.

Commissioner.

Handwritten notes and a signature at the top of the page.

Main body of the document containing faint, mostly illegible text.

Vertical text along the right margin, possibly a list or index.

CHEROKEES BY BLOOD AND ADOPTION.

Date

OCT 25 1900

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

R594:

PAID TO THE INT
COMMISSION TO THE
RECEIVED
20 1901

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; married, not by Cherokee Law; on no
roll; wife O K; judgment stated.

Cherokee R 594

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 24 1909

ACTING CHAIRMAN

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Francis M. Bussey, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R 594, it is entitled Francis M. Bussey, and is known as a Cherokee rejected application.

Respectfully,

SIGNED

T. B. Needles.
Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enclosure C.R. 594

(COPY)

Cherokee R 594

Muskogee, Indian Territory.

February 14, 1902.

Mr. Francis W. Bussey,

Collinsville, Indian Territory.

Sir:

On the 25th day of October, 1900, your wife, Dettie Bussey, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1890 to your said wife, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census roll of 1895, and that your application for enrollment is based on the aforesaid marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495)

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found of any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their

descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The testimony further shows that while you were married in the Cherokee Nation said marriage was not in conformity to the laws regarding marriages.

The Cherokee law applicable in this case is as follows:

Section 659: "Whereas, the peace and prosperity of the Cherokee people require, that, in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware, or Shawnee' woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue."

Section 660: "Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same be required to present to the said clerk a

certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

Section 333: "No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings has in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Enclosure

Register.

CONFIDENTIAL

APR 19 1902

ACTING CHAIRMAN

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1936-1902.
D. C. 5812-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Francis M. Bussey, R 594, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

Active Secretary.
Chas. A. ...

Respectfully,

at the ... Commission's ... is proposed.

to secure the ... and ... decision is ...

It is ... the ...

Recommendation that ... be ...

The ... Commission ...

... and ...

... of ...

... the ...

the ... of ...

... the ...

... the ...

... the ...

... the ...

... the ...

... the ...

... the ...

... the ...

... the ...

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 3, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Bellevue.

Victims of Slavery.

CONFIDENTIAL

On the 2nd of July, 1905,
a letter from the Secretary of the Interior
was received from the Commissioner of the
Bureau of Land Management as a result of
which the Bureau has been advised that the
Commissioner has decided to sell

CON

CONFIDENTIAL

Mr. Charles W. Russell

Inspector, Indian Territory, May 12, 1905

1-224

Cherokee R-594.

Kuskogee, Indian Territory, April 15, 1902.

Mr. Francis M. Bussey,

Collinsville, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY
THOMAS B. NEEDLE,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-894.

Muskogee, Indian Territory, April 18, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Collinsville, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Francis M. Bussey, Cherokee No. B-894, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered*
of Francis M. Burrey
Cherokee Nation.

*In the matter of the application
for enrollment as citizen of the*

Cherokee No. R594.

Attorney for Cherokee Nation.

Cher R 595

Cher R 595

C R 591 -

RECEIVED
JAN 8 1972

ACTING CHAIRMAN

RECEIVED
JAN 8 1972

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 28, 1902.

In the matter of the application of Mary I. Flippin for the enrollment of her son, William T. Flippin, as a citizen of the Cherokee Nation.

Upon an examination of the testimony had in the matter of the application of Mary I. Flippin for the enrollment of her son, William T. Flippin, it appears that she claims that the name of this child is on the Cherokee roll of 1886. Said roll has been examined, and the name of William T. Flippin does not appear of record thereon. Neither does his name appear upon any other tribal rolls of the Cherokee Nation now in the possession of the Commission. The records of the Cherokee Nation have been examined and fail to disclose that he was ever admitted to citizenship in the Nation by an act of the Cherokee National Council or Commissions on Citizenship.

Upon an examination of the original papers filed with the Commission under the provisions of the act of Congress approved June 10, 1896, in the matter of the application of Mary J. Flippin et al vs. the Cherokee Nation, it is found that the name of her child, William F. Flippin, who is fully identified as the William T. Flippin for whom application is now made, was admitted to citizenship in the Cherokee Nation by the Commission, and that the Cherokee Nation, through its representatives, appealed from the decision rendered by the Commission to the United States Court for the Northern District of Indian Territory, where the decision of the Commission was reversed.

It is therefore directed that the name of William T. Flippin be reported to the Commission for rejection under the provisions of the act of Congress approved May 31, 1900, which act provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

It is directed that copies of this statement be filed with the testimony in the above case.



Commissioner.

777/56

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 9 1902

RECEIVED
APR 10 1902
DEPT. OF THE INTERIOR

COPY.

Cherokee-II-186.

Muskogee, Indian Territory,

APR 9 1902

Mrs. Hannah I. Flippin,

Okemuncie, Indian Territory,

Sir:

On the 26 day of October 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of your son, William T. Flippin, as a citizen by blood of the Cherokee Nation.

It appears from the evidence offered in support of said application, that he has never been enrolled by the tribal authorities of the Cherokee Nation, and that his name does not appear upon the tribal rolls of the Cherokee Nation now in the possession of this Commission; that he has not been admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Cherokee Nation, or by the United States Court in Indian Territory on appeal, in accordance with the provisions of the act of June 10, 1896, (29 Stats. 521).

The act of May 31, 1900, (31 Stats. 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

H.I.F.-3.

The Commission has, therefore, on this day decided that your son is not a citizen of the Cherokee Nation and duly and lawfully enrolled as such, and that pursuant to the provision of law above quoted, the Commission is without authority to receive, consider, or make any record of the application for the enrollment of your son as a citizen of the Cherokee Nation.

A copy of the record of the proceedings in this case is herewith enclosed. You are informed that the Commission has on this day forwarded a memorandum of its action to the Secretary of the Interior with a copy of the proceedings, for his consideration and final decision.

The Secretary's final action will be duly communicated to you when the same is made known to this Commission.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (SIGNED), Iams Bixby.
Commissioner in Charge,
Acting Chairman.

Encl. H-156.
Register

CHEROKEE

R-95

William T. Flippin.

Jan'y 28, 1902. This jacket
cancelled and all papers transferred
to Cherokee Memo No. 156.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 596

Cher R 596

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 26th, 1900.

IN THE MATTER OF THE APPLICATION OF ALICE B. TANNER FOR THE ENROLLMENT OF HERSELF AND CHILDREN AS CHEROKEE CITIZENS.

The said Alice B. Tanner, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A Alice B. Tanner.
Q How old are you? A Thirty-two.
Q What is your post office? A Catoosa.
Q Do you live in Cooweescoowee District? A Yes, sir.
Q Who is it you want to have enrolled? A Myself and three children.
Q Do you apply as a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Ever since 1884,-- well, there was one summer I wasn't here.
Q Are you on any of the rolls of the Cherokee Nation? A I think I was on the 1886 roll.
Q Have you ever been admitted to citizenship by the Cherokee Commission or Council? A We have been admitted here and drew our money here once.
Q Did you ever apply to the Dawes Commission for admission?
A My father did.
Q What was your father's name? A John C. Flippin.
Q Give me the name of your mother. A Mary I. Flippin.
Q Your father was dead in 1896? A Yes, sir.
Q Then the application was made by your mother. A I guess so.
Q Mary I., the widow of John C. A Yes, sir.
Q Give me the names of your children. A Samuel Read Tanner.
Q How old is that child? A Fifteen.
Q The next child? A Thomas James.
Q How old is he? A Thirteen.
Q The next child? A Alice May.
Q How old is she? A Ten.
Q Now, neither you nor any of your children are upon the census roll of 1896, are you? A No, sir.
Q When did you draw Cherokee strip money?
A No, sir.

THE COMMISSIONER: Docket B. of the Commission records, page 404, case No. 5343, shows that in 1896 application was made for admission to Cherokee citizenship by Alice B. Tanner, nee Flippin, John H. Tanner her husband, and three children, Samuel, James and Mary. The application for the admission of the applicant, her husband and children, was denied by the Commission. An appeal was taken to the United States Court and these cases were passed upon in Court Numbers 245 and 200, and the judgment of the Commission was sustained. It appears, therefore, from the record and evidence, that neither the applicant or her husband or any of her children have ever been recognized in any form, by any authority, as Cherokee citizens, nor are they upon any of the rolls of the Cherokee Nation accessible to the Commission. It is considered, therefore, that the Commission has no jurisdiction over an application for their enrollment, and only a memorandum will be made of the fact that application was made, and they being found without standing, no proceedings were had. If it is desired that this mem-

Memo 187 R

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 28 1906

N 5 N

[Signature]

Date..... OCT 20 1900 1900.

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood **Mother's citizenship**

Intermarried citizen

Married under what law Date of marriage.....

License Certificate

Wife's name Alice W. Thomas

District _____ Year _____ Page _____ No. _____

~~Citizen by blood~~ *Yes* Mother's citizenship *Yes*

Intermarried citizen *Mary J.*

Married under what law Date of marriage

License **Certificate**

Names of Children:

[illegible]

See Case of Hannah Fleppin and others
Page 404 No. 5343, Docket B.
Application denied ~~there~~ appealed and
judgment sustained, Court nos. 245-200

6
R 596

[Handwritten mark]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 20 1901

[Handwritten signature]

ACT'NG CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

On no roll Commission has; claims to be on a re
roll; rejected by Commission and United States court;
make rejected; judgment stated.

Cherokee R 596

10596

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 30 1902

ACTING CHAIRMAN

R. 596.

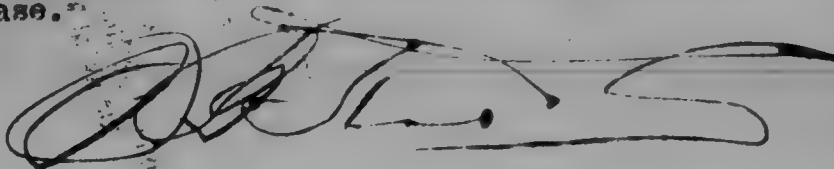
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 28, 1908.

In the matter of the application of Alice B. Tanner for the enrollment of herself and children as citizens of the Cherokee Nation.

Upon an examination of the testimony had in the matter of the application of the said Alice B. Tanner for the enrollment of herself and children, it appears that the applicant claims to be on the Cherokee Roll of 1886. Said roll has been examined and the name of Alice B. Flippin, the daughter of John C. Flippin, appears of record thereon. Neither the applicant or her children are identified on any other tribal rolls of the Cherokee Nation now in the possession of the Commission. Neither does it appear that they were ever admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council or Commissions on Citizenship.

Upon an examination of the original papers filed with the Commission under the provisions of the act of Congress approved June 10, 1896, in the matter of the application of Hannah Flippin and others for admission to citizenship in the Cherokee Nation, it appears that the applicant, Alice B. Tanner, and her three children applied for in this case, were rejected by the Commission; that an appeal was taken to the United States Court for the Northern District of Indian Territory, where the decision of the Commission was sustained.

It is directed that copies of this statement be filed with the testimony in the above case.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice B. Tanner for enrollment of herself and her children Samuel R. Tanner, Thomas J. Tanner and Alice M. Tanner as citizens of the Cherokee Nation.

D E C I S I O N .

-----0000-----

The record in this case shows that on October 26, 1900, Alice B. Tanner, the principal applicant herein appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of herself and her minor children, Samuel R., Thomas J. and Alice M. Tanner as citizens by blood of the Cherokee Nation.

It appears from the evidence in this case that the principal applicant, Alice B. Tanner was thirty-two years of age at the time of this application, and has lived continuously in the Cherokee Nation since the year 1884, and she is identified on the Cherokee roll of 1886. She is the daughter of one John C. Flippin, who was admitted to citizenship in the Cherokee Nation with his mother Hannah Flippin in September, 1884, by what is commonly known and designated as the "Spears Court on Citizenship." The Cherokee Nation by its duly authorized representatives passed an act in the year 1886, creating another Commission commonly known and designated as the "Adair Commission", by which act the said Adair Commission was authorized and empowered to re-open all applications made to the late Spears Court on Citizenship and to set aside the judgment entered therein and said Adair Commission in the matter of the application of Hannah Flippin, John C. Flippin and others did set aside the judgment of the said Spears Court on Citizenship and held the same to be null and void, and of no effect.

-2-

It appears from the records of this Commission that the principal applicant herein, Alice B. Tanner, and her children, Samuel, James and May Tanner, filed their original petition for citizenship by blood in the Cherokee Nation on the 8th day of September, 1896, with the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 (29 Stats., 321). John H. Tanner, husband of Alice B. Tanner, was included in said petition as an intermarried citizen and the Commission denied the petition as to all of these applicants and the said John H. Tanner, and an appeal was taken therefrom to the United States Court in Indian Territory for the Northern District at Muskogee, and the said Court by its judgment duly entered of record affirmed the decision of the Commission as to the said Alice B. Tanner and her children, Samuel, James and May Tanner, and her husband, John H. Tanner, and denied the said Alice B. Tanner and her said children admission to citizenship by blood, and the said John H. Tanner admission to citizenship by intermarriage in the Cherokee Nation.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 495):

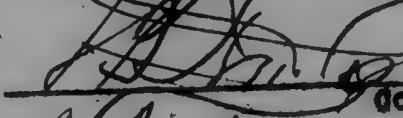
"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

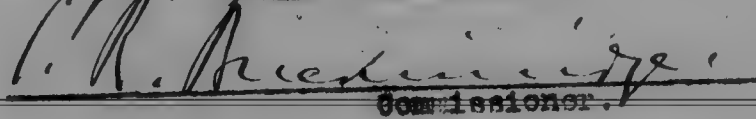
-3-

It is therefore the opinion of this Commission that Alice B. Tanner, Samuel R. Tanner, Thomas J. Tanner and Alice M. Tanner, are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 20 1902.

IN THE DEPARTMENT OF INTERIOR.

-----o-----

In re Application of)
Alice B. Tanner, et al., for :
Enrollment as Cherokee citizens.)

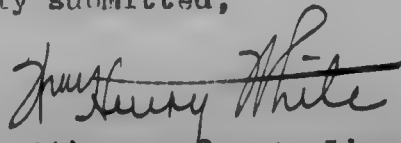
-----o-----

MOTION FOR REVIEW.

Now come the applicants in the above entitled case by their attorney, William Henry White, and move that the decisions of the Commission, dated May 20, 1902, and of the Department, dated July 28, 1902, be set aside and a new hearing granted and had for the following reasons:

The principal applicant is the daughter of John C. Flippin, who, with his mother, Hannah Flippin, was admitted to citizenship in 1884; her name appears upon the 1886 roll; she applied to the Commission in 1896 for enrollment, was rejected, which rejection was on appeal affirmed by the United States Court under the Act of June 10, 1896; and the present decisions of the Commission and Department are based upon the contention that the Commission and Department were without jurisdiction to entertain her application under the Curtis Act, which, under the Bowers case, is error. The case is, therefore, exactly like the Bowers case -- is, in fact, properly a part thereof -- and should be remanded for readjudication by the Commission with that case.

Respectfully submitted,


Attorney for Applicant.

IN THE DEPARTMENT OF THE INTERIOR.

-----oCo-----

In re Application of)
Hannah Flippin, et al., for En- :
rollment as Cherokee citizens.)

-----oCo-----

MOTION FOR CONSOLIDATION.

Now comes the above named applicant by her attorney,
William Henry White, and moves that the following cases, of which
this is one, be consolidated and readjudicated by the Commission
together, for the reason that questions common to all of them
must be considered by the Commission and Department, and testimony
on these points will have to be taken, and that, therefore, the
consolidation will save expense and time in their consideration:

Fleda McGlasson, et al.
Jennie Ellis, et al.
Tennessee Picklin, et al.
Nettie B. Derickson, et al.
Mary Jane Skinner, et al.
Mary I. Flippin for William T. Flippin.
Lula Freeman, et al.
Alice B. Tanner, et al.
Hannah Flippin, et al.
James H. Flippin.
James F. Flippin.
Belle Z. Bowers, et al.
Maud Crutchenfield, et al.
James C. Flippin.
John C. Flippin.
Bertha Erickson, et al.
John P. Diamond, et al.
Sophia Bethel, et al.
Emmett Skinner.
Heber Skinner.

Respectfully submitted,

WM. HENRY WHITE,

Attorney for Applicants.

(Original Motion of which this is a copy filed in the Hannah
Flippin case.)

18674

Indian Office,

Incl. No. 9

1905

Alice B. Tanner

Department of the Interior

RECEIVED

APR 7 - 1905

Enc. No. 14 of No. 3566

Indian Territory Division

DISTRICT OF COLUMBIA, ss:

Joseph R. Curl, being first duly sworn according to law, deposes and says that he forwarded by registered mail on the 8th day of March, A. D. 1905, to W. W. Hastings, Esq., Attorney for the Cherokee Nation, Tahlequah, Indian Territory, a copy of motion for consolidation filed in the Hannah Flippin case, and copies of motions for review in the following cases:

Fleda McGlasson, et al.
Jennie Ellis, et al.
Tennessee Pickkin, et al.
Nettie B. Derickson, et al.
Mary Jane Skinner, et al.
Mary I. Flippin for William T. Flippin.
Lula Freeman, et al.
Alice B. Tanner, et al.
James H. Flippin.
James P. Flippin.
Hannah Flippin, et al.

(Signed) JOS. R. CURL.

Subscribed and sworn to before me this 8th day of March, A. D. 1905.

(Seal)

George C. Calkins
Notary Public, D. C.

(Original affidavit of which this is a copy filed in the Hannah Flippin case.)

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Hannah Flippin, et al., as citizens of the Cherokee Nation, con-
solidating the applications of:-

| | | | |
|-----------------------------|----------|---|------|
| Hannah Flippin, | Cherokee | M | 405 |
| Fleda McGlasson, et al. | " | M | 102 |
| Tennessee Ficklin, et al. | " | M | 98 |
| Jennie Ellis, | " | M | 110 |
| Nettie B. Dirickson, et al. | " | I | 159 |
| Mary J. Skinner, et al. | " | M | 99 |
| William T. Flippin, | " | M | 156 |
| Lula Freeman, et al. | " | R | 629 |
| Alice B. Tanner, et al. | " | R | 596 |
| James H. Flippin, | " | D | 597 |
| James F. Flippin, | " | D | 667 |
| Belle Z. Bowers, et al. | " | M | 131 |
| James C. Flippin Jr. | " | M | 542 |
| Sophy Bethell, et al. | " | R | 101 |
| Maud Cruthfield | " | | 5730 |
| Emmett Skinner | " | M | 543 |
| Heber Skinner | " | M | 544 |
| John F. Diamond, et al. | " | M | 545 |
| Bertha Ericksten, et al. | " | M | 546 |
| Berne B. Boswell, et al. | " | M | 130 |

DECISION.

THE RECORD IN THIS CASE SHOWS: That applications for
enrollment as Cherokees by blood were made to the Commission to the
Five Civilized Tribes by Hannah Flippin for herself; by Fleda
McGlasson for herself and minor children, Lunny, Sam Goode and
Georgia McGlasson, and her husband, George B. McGlasson by inter-
marriage; by Tennessee Ficklin for herself and minor children,
Agnes Dorsey, Samuel, Eugene, Mary and Leo Nany Ficklin; by Mary
Jane Skinner for herself and minor child, Ooheschee or Baby Skinner

and minor grandchild, Charlie Skinner (female); by Lula Freeman for herself and minor children, Nina, Frances, Nettie and Helen Freeman; by Sophy Bethell for herself and minor children, E. Harrison and Charlie Oliver Bethell; by Jennie Ellis for herself by Belle Z. Bowers for herself and minor children, Lon F., Andy Houston, Milton C. Jr., and Corwin Blaine Bowers, and her husband, Milton C. Bowers, Sr., by intermarriage; by Berne B. Boswell for herself; by James T. Flippin for, among others, himself, by intermarriage; by Mary I. Flippin for her minor child William T. Flippin; by Nettie B. Dirickson for herself and minor children Callie, Dixie, Katie, Sugg, Blanche and Clabe Dirickson; by Alice B. Tanner for herself and minor children, Samuel Reed, Thomas James and Alice L. Tanner; by James H. Flippin for himself and wife, Ella Jay Flippin; and by John K. Crutchfield for, among others, his wife, Maud Crutchfield, nee Flippin, by intermarriage. Such rights as certain applicants herein may have to Cherokee citizenship by virtue of their marriage to recognized citizens of the Cherokee Nation will not be considered in this decision. The rights of the said James T. Flippin and Maud Crutchfield to citizenship by blood in the Cherokee Nation, being identical with the other applicants herein, will be adjudicated in this decision. The "others" included in the applications of James T. Flippin, and John K. Crutchfield, and the said Ella Jay Flippin, having been heretofore enrolled their rights to Cherokee citizenship will not be considered.

The record further shows that, among others, the said Hannah Flippin, Fleda, Lunay, Sam Goode and Georgia McGlasson, Tennessee, Samuel, Eugene, Mary and Leo Mary Picklin and Agnes Dorsey, Mary Jane, Ocheechee or Baby, and Charlie Skinner, Lula Nina, Frances, Nettie and Helen Freeman, Sophy, E. Harrison and Charlie Oliver Bethell, Jennie Ellis, Belle Z., Lon F., Andy Houston, Milton C. Jr., and Corwin Blaine Bowers, Berne B. Boswell, William T. Flippin, Nettie B., Callie, Dixie, Katie, Sugg, Blanche and Clabe Dirickson, Alice B., Samuel Reed, Thomas James and Alice Jay Tanner, and James H. Flippin have been heretofore denied the right to enrollment as citizens of the Cherokee Nation by the Commission to the Five Civilized Tribes, and that its action in each instance was subsequently affirmed by the Department.

The record further shows that thereafter, to-wit: on February 15, April 12 and 20, 1905 (I.T.B. 1483-3566-05), on motions of the applicants the cases of all those named in the first paragraph of this decision were reopened, consolidated, and remanded by the Department, and the Commission to the Five Civilized Tribes directed to hear and decide said cases upon their merits, "hearing any other competent testimony and considering any other competent evidence that the parties may offer, necessary fully to present their contentions" and that, in compliance therewith, further proceedings in the matter of said applications were had on April 13, and May 25, 1905, at Muskogee, Indian Territory, and on the latter date the following names, viz: Gladys Boswell, Benn McGlasson, Clarence F. and Dez Ellis, Theodore and

Bertha Ericksten, Roy F., John F., Emma and Bertha Diamond, Emmett and Heber Skinner, and James C. Flippin Jr., were submitted to the Commission as those of persons entitled to Cherokee citizenship as descendants of the applicant Hannah Flippin.

It further appears that, on request of the parties hereto, the following exhibits were filed with and made a part of the record in this case, to-wit: Affidavits of Berne B. Boswell and John P. Subberth, showing the birth of Gladys Boswell on September 9, 1901 (p.p. 197-8), certified copy of Spears Commission admitting Hannah Flippin et al. to citizenship in the Cherokee Nation (p. 199), letter of Commissioner Bixby to William Henry White, dated July 13, 1904 (p. 200), certified copy of certain proceedings had before, and papers filed with, the Dawes Commission in 1896 in re application for Cherokee citizenship of Hannah Flippin, et al. which also includes copies of proceedings had before the Spears and Adair Courts and before C. C. Duncan, U. S. Special Agent, together with his report, dated July 29, 1892 (p.p. 202 to 256 incl.), copy of appeal taken from decision of Dawes Commission in cases of Hannah Flippin et al. to U. S. District Court (p. 24), copy of an Act of the Cherokee Council approved December 3, 1869 (p. 266), copy of decision of Adair Commission in re Cherokee citizenship of Hannah Flippin, et al. (p. 272), opinion of William F. Springer, Judge, of the U.S. Court for the Northern District of the Indian Territory, in re rights to Cherokee citizenship of Hannah Flippin et al. (p. 275), opinion of the Supreme Court of the United States in the case of Stephens et al. v Cherokee Nation, 43 L. Ed. 1041 (p. 284), answer of Hannah Flippin and her children filed with the Adair Commission April 21, 1887 (p. 310), motion of J. H. Bryan attorney for Hannah Flippin and her children, filed with said Commission May 23, 1887 (p. 312), notice of R. F. Wyly, attorney for Cherokee Nation, served on J. H. Bryan, attorney for Hannah Flippin and her children (p. 313), opinion of Acting Attorney-General W. A. Day rendered December 7, 1904 (p. 314), letter from Pension Department to William Henry White, (p. 316), dated June 15, 1905, certified copies of mittimus of one John F. Taylor convicted of perjury and of presenting false claims against the Government, (p. 319), of Campbell H. Taylor, convicted of violating the Postal law (p. 321), and of one John Ward, convicted of introducing liquor (p. 322), and the opinion of the Assistant Attorney-General, John I. Hall, rendered July 16, 1894, in the case of John O. Cobb, et al., v Cherokee Nation (p. 257).

The following certified copies of certain records in the custody of this office were ordered filed with, and made a part of the record in this case, to-wit:- Copy of Act of Cherokee Council approved December 3, 1869 (p. 324) copy of decision rendered by the Ross Commission on Cherokee citizenship, on March 18, 1889, in the cases of Aaron Belew, et al., v Cherokee Nation (p. 327), copy of register of "Lucy Briant", et al., under Treaty of July 8, 1817 with the Cherokee Nation (p. 341), and report of J. T. Adair, Chairman Citizenship Commission, to D. W. Bushyhead Principal Chief of the Cherokee Nation, dated Tahlequah, Indian Territory, November 14, 1887 (p. 342).

Several motions, briefs and arguments in behalf of the applicants and the Cherokee Nation are filed herewith and made a part of the record herein (p.p. 111, 118, 147, 152, 345 and 354).

The record further shows that on September 8, 1884, at Tahlequah, Indian Territory, Hannah Flippin and her children filed with the Commission on Cherokee citizenship commonly known as the "Spears Court", their petition praying that they be admitted to citizenship in the Cherokee Nation as descendants of one John Bryant, deceased, who, they alleged, was a Cherokee by blood and at one time a member of the old Cherokee Nation; and that on September 26, 1884, they were admitted by that Court to all the rights of native born Cherokees (p.199); that subsequently, to-wit:- on December 8, 1886, an Act of the Cherokee Council was approved, which provided for the creation of a Commission on Cherokee citizenship with authority to summon before it certain parties, among others, the said Hannah Flippin and family, who, it was charged, had obtained their admission to Cherokee citizenship through fraud and bribery, and required them to show cause why the decree so admitting them should not be declared null and void (p.p. 265-270), and that, thereafter, to-wit:- on August 29, 1887, the Commission created by this Act commonly known as the "Adair Court", declared "the decree of the former Commission ("Spears Court") admitting Hannah Flippin et al., to Cherokee citizenship null and void to all intents and purposes (p.272)".

Other proceedings relative to the right of Hannah Flippin and her descendants, to Cherokee citizenship, were thereafter had, viz.: Investigation and report by C. C. Duncan, decree of the Dawes Commission under Act of June 10, 1896, and judgments of the United States Court for the Northern District, Indian Territory, and of the Supreme Court of the United States, on appeal ("Exhibits 4, C. and D"), but under the ruling of the Department (I.T.D.1486-05), supra., it is not considered necessary to at this time set them out in detail.

The following points are fully established by the evidence, to-wit:-

- (1) That Hannah Flippin, now deceased, was the granddaughter of one John Bryant, deceased, who for many years prior to his death in 1855, at the age of eighty, lived in Gibson County Tennessee, is the common ancestor of all the other applicants herein, and that none of the applicants in this case possess any Cherokee blood other than such as they may have obtained as descendants of the said John Bryant, deceased?
- (2) That certain of the applicants together with the deceased ancestors of others herein, are identified on the Cherokee pay roll of 1886 ("Exhibit 3" p. 200), but that none of said applicants, except James F. Flippin, who is identified on the Cherokee census roll of 1896 as an intermarried Cherokee citizen, nor any ancestor through

show by any possibility they might obtain rights to Cherokee citizenship, can be identified on any other roll of the Cherokee Nation in the custody of this office.

In an opinion rendered by the Assistant Attorney-General on October 5, 1905, in the case of Harry Still, Departmental letter of October 18, 1905 (I.T.D. 7658-06, 3208-05), wherein was considered the weight to be given a decree of the Cherokee Supreme Court by the Commissioner to the Five Civilized Tribes, of a matter coming within the jurisdiction of both, respectively, he said, *inter alia*:

"The adjudication of the Supreme Court of the Cherokee Nation, upon the authorities above cited, has therefore the same effect as the adjudication of similar cases by the United States Courts under the act of June 10, 1896 (29 Stat. 321, 339), and is entitled to all the respect of a judicial determination of the facts necessarily determined. When reopened to inquiry upon the facts, such adjudication is to be considered by the Commission as evidence of great cogency, to be followed unless it appear that fraud was practiced upon the court, or that the evidence then before the court, and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong. The Commission should regard itself rather as a court reviewing the case as upon a petition for a new trial than as exercising an original jurisdiction"

In view of the record in this consolidated case which shows that the cases included therein were remanded for the purpose of being readjudicated "upon their merits", together with the ruling of the Department in the case of Harry Still, *supra.*, it is considered that, in accordance therewith, two questions are presented to this office for determination, viz:

First: Is it established that the applicants herein possess Cherokee blood? and

Second: Has the action of the Cherokee authorities in dealing with the petition for Cherokee citizenship of Hannah Flippin, et al., been such that the applicants herein are now entitled to Cherokee citizenship irrespective of whether or not they possess Cherokee blood?

In re applicants' Cherokee blood:

The proper disposition of this question depends upon whether or not John Bryant, deceased, possessed Cherokee blood

and all evidence within the reach of this office, bearing upon that point will be here considered.

Before the Spears Court on September 12, 1884, Aaron Belew (brother of Hannah Flippin), and S. H. Wilburn, in behalf of the petitioners, Hannah Flippin and her eight children, testified as follows:

AARON BELEW: John Bryant was one-fourth Cherokee and three-fourths white. He lived in South Carolina, Union District, and moved from there to Tennessee, where he died. In both states he was known and regarded as a Cherokee, and said himself he was part Cherokee.

S. H. WILBURN: I am about 56 or 57 years old and my occupation is farming. I was raised near John Bryant in west Tennessee, Gibson County. I do not recollect that he was recognized as a Cherokee. I was told by my parents he was part Indian. He was so regarded by the neighbors. I do not know that the applicant (Hannah Flippin) is a Cherokee, but have always been taught that John Bryant was part Indian.

The petitioners also filed in support of their claim the ex parte affidavits of J. H. Edwards, A. J. Smith, G. Greer, L. V. Frazier, James I. Walker and G. G. Walker.

J. H. EDWARDS, stated: I knew John Bryant in Gibson County Tennessee. He was from South Carolina. I knew him to be part Cherokee Indian, the same as I knew him to be part white man. He was generally known to be part Cherokee Indian. Subscribed and sworn to on August 2, 1884, before W. A. Williams, Clerk County Court, Pontague County, Texas.

A. J. SMITH, G. GREER and L. V. FRAZIER, stated: We know Aaron Belew, Gov. Belew and Hannah Flippin, also knew John Bryant of Gibson County, Tennessee, and know that the three first named are grandchildren of the said John Bryant. Subscribed and sworn to August 4, 1884, before J. D. Crane, Clerk of Gibson County, Tennessee.

JAMES F. and G. G. WALKER, stated: We knew John Bryant of Gibson County, Tennessee. He was from South Carolina. We, and his neighbors generally, knew him to be part Indian the same as we knew him to be part white man. Subscribed and sworn to July 31, 1884, before Sam J. House, Clerk of the Chancery Court of Tate County, Mississippi.

Under the showing above indicated the Spears Court, in its decree rendered on September 26, 1884, admitted the petitioners to all the rights of native Cherokees.

In accordance with a notice dated June 27, 1887, addressed to and served upon J. M. Bryan, Esq., attorney for Hannah Flippin, et al., the depositions of Zach Bryant and George Robinson, of Gibson County, Tennessee, to be used by the Cherokee Nation in the proceedings then pending before the Adair Court in re charges against Hannah Flippin and family, were taken on July 15, 1887.

ZACH BRYANT deposed as follows: I am 67 years old, was born in Union District, South Carolina, and except from 1835 to 1856, have lived in Gibson County, Tennessee for about sixty-two years. My father was named Zachariah Bryant, but was called Rial Bryant, and was the son of John Bryant. John Bryant had fourteen children. He came to Tennessee from Alabama about 1825, was originally from South Carolina, where he had married, but I don't think he was born there. I don't know who John Bryant's parents were and have no recollection of any of the Bryant families ever having been enrolled as Cherokees or drawing any money as such from Alfred Chapman, Special Agent for the United States Government to make payments to the Cherokee Indians in 1852. About the year 1828 John Bryant went as he said, to the Cherokee Nation, from there to South Carolina, and then back home. In the spring of 1825 I spent several months at his house; he had heard there was liable to be trouble between the United States Government and the Cherokee Indians, and was fearful the Cherokees, who he said were his people, would be wronged. His wife was a white woman, and I have often heard her scold her children and say "You Indians, you Indians". John Bryant was never a citizen of the Cherokee Nation to my knowledge. He came to South Carolina from the Cherokee country, a straggler. I know nothing of J. H. Edwards and if such a man was living in the neighborhood of my grandfather since my day I think I would have known him. There were Edwards's there, but got with that initial that I know of. Subscribed and sworn to July 15, 1887, before J. D. Crane, Clerk of Gibson County Court, Tennessee.

GEORGE W. ROBINSON deposed as follows: I am 57 years old and have lived in Gibson County, Tennessee, during the past fifty-three years. I knew JOHN BRYANT from my boyhood to his death in '55 or '56. I know nothing of his Cherokee blood except from hearsay. My father and mother knew him in South Carolina and I have heard them say there was Cherokee blood in him. I have no knowledge of the father and mother of John Bryant and never knew of John Bryant or any member of his family being enrolled as Cherokees or drawing per capita payments as such. Subscribed and sworn to on July 15th, 1887, before J. D. Crane, Clerk of Gibson County Court, Tennessee.

The ex parte affidavits of one Sampson Browning and the said S. H. Wilburn were filed by the defendants, Hannah Flippin et al. Said affiants swore as follows:

SAMPSON BROWNING: I am 69 years old, was born and have

lived in the state of South Carolina near the Carroll and Gibson County line since about the year 1835. I have been acquainted with John Bryant and his family for about fifty-two years, and from an undoubted authority the said John Bryant was part Cherokee Indian. I have been personally acquainted with many Cherokee Indians as well as with the said John Bryant, and do not believe that I can be deceived about him being a Cherokee Indian. Subscribed and sworn to on March 24, 1887, before N. J. Heathcock, Notary Public, Gibson County, Tennessee.

S. H. WILBURN: I am about fifty years old and my postoffice is Pilot Point, Denton County, Texas. I have been personally acquainted with Aaron Belew, brother of Hannah Flippin, for about fifty years, and he has been considered a Cherokee by blood ever since I knew him. Subscribed and sworn to on June 29, 1887, before Ben Moss, J. P. and Ex officio N.P., Precinct No. 2, Denton County, Texas.

Attention is here invited to the testimony of this same witness before the Spears Court on September 12, 1884, wherein he testified that he did not recollect that John Bryant or Hannah Flippin, grandfather and sister of Aaron Belew, were ever recognized as Cherokees. (p. 409, supra).

For this reason that the two foregoing affidavits were taken and filed contrary to the rules of practice the Adair Court refused to consider them as evidence.

In re charges of bribery and fraud investigated by the Adair Court, M. L. Baird, Jesse Cochran, William Shellenberger, Thomas Brevert, John Ward, John M. Taylor, E. J. Boudinot Jr., C. H. Taylor and John C. Harnage testified in behalf of the Cherokee Nation, and Hannah, M. J. and J. C. Flippin, testified in behalf of the defendants, but as their testimony is not relevant to applicants' Cherokee blood it will not be considered at this time.

On August 29, 1867, the Adair Court found that the charges of bribery and fraud made against Hannah Flippin and family in procuring admission to Cherokee citizenship had been established, and declared the decree of the Spears Court "admitting Hannah Flippin et al. to Cherokee citizenship null and void to all intents and purposes". (p. 272).

Subsequently there was filed with the Commissioner of Indian Affairs and the Department, numerous letters from the several applicants, protesting against the decision of the Adair Court, supra., which resulted in the dispatch of one C. C. Duncan to the Cherokee Nation for the purpose of investigating the rights of the Flippins to Cherokee citizenship, but as his investigation and report dated July 29, 1882, did not embrace the question of applicant's Cherokee blood, and for other reasons below indicated, the proceedings had before him will not be discussed in detail.

Under the act of June 10, 1896 (29 Stat., 321), those

applicants herein in being at that time filed with the Dawes Commission their petition for Cherokee citizenship, and in support thereof submitted in proof of their Cherokee blood the ex parte affidavit of one D. J. Eddleman, who stated: I am sixty-two years old and have known Mrs. Hannah Flippin since 1858 (the year she removed from Tennessee to Texas) and have always understood she possessed Cherokee blood and such was the understanding of her neighbors in Denton County, Texas. Subscribed and sworn to August 11, 1896, before Pearl Eddleman, N.P. (p.219).

The affidavits of the petitioners and copies of the proceedings had before the Spears and Adair Courts, and before C. C. Duncan were also filed with the Dawes Commission by the respective parties to said proceedings.

From the decision of the Dawes Commission an appeal was taken to the United States Court, Northern District, Indian Territory, and in an opinion rendered by that Court on 1897, all of said petitioners were denied the right to Cherokee citizenship, from which an appeal was taken to the Supreme Court of the United States on the ground that certain Acts of Congress conferring jurisdiction on the United States Courts to review questions of citizenship formerly passed upon by the tribal authorities and the Dawes Commission were unconstitutional, but that Court declared the Acts constitutional and affirmed the decision of the lower Court. *Stephens v Cherokee Nation et al.* (No. 557 Flippin et al. v Same) 43 L. Ed. 1041.

Subsequent to the decision of the Adair Court (August 29, 1887) supra., there was filed with said Court, presumably by the applicants, the ex parte affidavit of the said Zach Bryant who swore, in part, as follows: "The said John Bryant was borned in the Cherokee Nation now known as the State of Georgia,..... he was part Cherokee Indian." Subscribed and sworn to September 5th, 1887, before N. G. Heathcock, N.P. Gibson County, Tennessee (p.212).

On October 5, 1887, there was filed with the Cherokee Commission on Citizenship the petitions of Giles D. Belew et al., Aaron Belew et al., Brinkley Bryant et al., William C. Bryant, et al., Giles H. Bryant et al., George W. Bryant et al., Charles Bryant et al., Mary C. Bryant et al., David Boyd Bryant et al., Zach Bryant et al., and Governor Belew et al., including in all fifty-four persons, praying that they be admitted to Cherokee citizenship as descendants of the said John Bryant, deceased, of Gibson County, Tennessee (p.p. 327-340 incl.)

In these cases it was alleged that John Bryant was either the son or brother of one Lucy Bryant (Briant) and that the said Lucy Bryant (Briant) was a member of the old Cherokee Nation residing alone at a place called "Chu-nan-nee, on the Georgia side" and in 1830 appeared to be about seventy years old. (In this connection attention is invited to Exhibit p. 341).

On March 18, 1889, the Commission denied these petitioners the rights of Cherokee citizenship on the ground that the evidence

introduced failed to establish that John Bryant, deceased, was possessed of Cherokee blood, or that he was born within the limits of the old Cherokee Nation or at any time resided or affiliated with the Cherokee tribe of Indians, and further declared that said applicant were intruders in the Cherokee Nation (p.p. 330 and 331).

The foregoing is all the evidence introduced by Hannah Flippin et al., and the Cherokee Nation, before the Cherokee Citizenship Commissions or Courts the Dawes Commission and the United States Courts, relative to the Cherokee blood of the said John Bryant deceased.

It is shown conclusively that John Bryant died in Gibson County, Tennessee about 1865, and that at his death he was at least eighty years old, hence he must have been born about 1775, but neither the place of his birth, nor the name of either of his parents, is established.

In his deposition taken on July 15, 1887, Zack Bryant deposed, in part, as follows: "John Bryant came to Tennessee from Alabama, but was originally from South Carolina . . . but I don't think he was born in South Carolina." In an affidavit sworn to on September 5, 1887, the said Zack Bryant swore, in part, as follows: "John Bryant was borned in the Cherokee Nation now known as the State of Georgia. . . Nothing further can be gleaned from the record as to the birthplace of John Bryant, and for the reason, to-wit: That said deponent first testified that he did not know where John Bryant was born, and later made affidavit that he was born in the old Cherokee Nation, in addition to the fact that in the latter instance said affiant was swearing to a matter that occurred thirty-five years before he was born, it is respectfully submitted that the birthplace of John Bryant is not established, nor any evidence adduced from which it can be inferred that his birthplace was in the old Cherokee Nation.

In her petition filed with the Spears Court the applicant, Hannah Flippin, alleged, and her brother, Aaron Belew testified, that their grandfather, John Bryant, was possessed of one-fourth Cherokee blood and three-fourths white blood. This would indicate, if true, either that John Bryant's white ancestry intermarried with the Cherokees during the second generation before him, or that both his parents were of the one-half blood, which would also carry the intermixture of his blood back to the second generation of his ancestry, or to about the year 1750, a date at which it was neither popular nor customary for the whites and Indians to intermarry. Consequently the allegation that John Bryant was of one-quarter Cherokee blood raises a doubt that necessarily militates against such claim, and would have to be overcome by affirmative evidence. It is not intended to assert that the two ways above indicated are those only, by which a descendant could obtain such quantum of Cherokee blood, but if derived otherwise it would necessarily carry the intermixture

of the two bloods back to a more distant generation, and in the case under discussion make the doubt as to John Bryant's Cherokee blood the stronger.

No particular import can be attached to the allegations of relatives that at one time John Bryant lived in Union District South Carolina, subsequently in Alabama, and later moved to Western Tennessee, except that, in each instance, he became farther removed from the Cherokee Indians, the tribe of which it is now claimed he was a member by blood.

It is satisfactorily established that John Bryant lived in Gibson County, Tennessee, from 1825 till his death in 1855, a period of thirty years. His grandson, Zach Bryant, testifies that in the spring of 1835 "He said the Cherokee Indians were his people", but neither this witness nor any of the others introduced, some of whom had been intimately associated with John Bryant, for years, were able to give the name of either one of his parents, or how he derived his Cherokee blood. Several state they knew him to be part Indian the same as they knew him to be part white man; some that they knew him to be part Cherokee Indian the same as they knew him to be part white man, while one (S. H. Wilburn) states that he does not recollect that he was recognized as a Cherokee, but had "been taught that John Bryant was part Indian".

In further support of their right to Cherokee citizenship, Hannah Flippin et al., filed with the Adair Commission, on August 22, 1887, a notice calling the Commission's attention to a reservation made under Article 8, treaty of July 6, 1817, to one "Lucy Briant" who, they alleged, was the daughter of John Bryant.

Subsequently, before the Ross Commission of Citizenship in the cases of Aaron Belev et al., supra, the petitioners attempted to prove that this same reservee was either the mother or the sister of the said John Bryant.

In connection with these allegations attention is invited to a certified copy of the reservation made to one Lucy Briant (p. 342).

Section 8, treaty of July 6, 1817, reads, in part as follows:

"And to each and every head of any Indian family residing on the east side of the Mississippi river, on the lands that are now, or may hereafter be surrendered to the United States, who may wish to become citizens of the United States; the United States do agree to give a reservation of 640 acres of land, in a square, to include their improvements, which are to be as near the centre thereof as practicable, in which they will have a life estate, with a reversion in fee simple to their children, reserving to the widow her dower, etc." Indian Affairs Laws & Treaties, p. 99, Kappler edition.

Recurring to the certified copy of reservation, supra, it will be seen that on May 20, 1818, Lucy Briant was a widow whose

family numbered seven. In view of the provisions of Section 8, supra., it would seem most probable that this family was composed of the mother and six children, that the children were all under age, and that the name "Briant" was the name acquired by her marriage to her husband, since deceased.

Referring to the deposition of Zach Bryant it will be seen that the said John Bryant had fourteen children among them a daughter named "Lucy". Whether or not she married does not appear, but this deponent asserts that she "left no heirs" and from his testimony it is inferred that this daughter was born, lived and died in Gibson County, Tennessee. Besides, it is highly improbable that in 1818 John Bryant, who himself was born about 1775, could have had a daughter and six grandchildren living on Chu-nan-nee river, Georgia, in the old Cherokee Nation.

If the above theory is correct, and it is submitted that it is the most probable, than it would further appear that the reservee, Lucy Briant, was not old enough to be the mother of John Bryant. In addition, the fact that one set of John Bryant's descendants claim that the said Lucy Briant was his daughter and another that she was either his mother or his sister is, in itself, sufficient to destroy the probability of their claims. If she had been related to John Bryant in any one of the three ways alleged, it was a matter capable of positive proof, which should have been produced by the applicants, otherwise both claims fail.

In 1835, for the purpose of determining, among other things, the number of Cherokees living east of the Mississippi river, the United States Government made a roll enumerating all such Indians, a certified copy of which is in the custody of this office.

The territory of the Cherokees was divided into districts and the work of taking the census apportioned among five men. The roll, as prepared, is arranged under the following heads, viz:

"Census of Cherokees in the limits of Tennessee in 1835 as taken by Daniel Henderson, Esq." (Roll pp. 1 to 10, inclusive.)

"Census of Cherokees in the limits of Alabama in 1835 as taken by Rezin Rawlings, Esq." (Ib. pp. 12 to 17 inclusive).

"Census of Cherokees in the limits of North Carolina in 1835, as taken by Nathaniel Smith." (Ib. pp. 19 to 33 inclusive).

"Census of Cherokees in the limits of Georgia in 1835, as taken by C. H. Nelson, Esq." (Ib. pp. 35 to 49 inclusive), and by George H. Underwood, Esq. (Ib. pp. 48 to 66 inclusive).

Following the list made by each census taker is a certificate which reads as follows:

"I do hereby certify upon honor that the foregoing is a correct census of the Cherokees residing in the limits (as to Alabama, "Chartered limits") of Tennessee,

North Carolina, Alabama and Georgia, composing the District assigned by the Superintendent of Cherokee removals, and that the other items of information, under their appropriate heads are as correctly stated as practicable without a precise and thorough examination of each subject, respectively."

After a careful examination of this roll the name "Bryant" can not be identified thereon.

Under authority of Section 4, Act of Congress approved July 29, 1848, a roll giving the names and number of the Cherokees who remained in the state of North Carolina after the treaty of New Echota (December 29, 1835), was made. This roll was prepared by Special Agent J. C. Mulloy, and is commonly known as the "Mulloy Roll" (a certified copy of the same is now in the custody of this office,) but after a careful examination of the 1517 names of persons enumerated thereon, and of many of the ancestors living and deceased of the persons so enumerated, some of whom were traced to Georgia, others to Arkansas, and many to the Indian Territory, the name "Bryant" can not be identified thereon.

In 1851 a census of the Cherokees living east of the Mississippi river was taken by Special Agent D. W. Siler. The roll prepared in conformity with this census is commonly known as the "Siler Roll" and was made preliminary to the payment of a large amount of money to those Cherokees residing east of the river. A certified copy of this roll is now in the custody of this office. The names of 2345 Cherokee claimants appear thereon the first 1951 of whom resided within the limits of the old Nation in the states of North Carolina, Tennessee, Alabama and Georgia. A majority of the others resided within the limits of said states, some as far north as Nashville, Tennessee, but in some instances the census taker, having heard of Cherokees who had removed from the old Nation, traced them to northern Kentucky, Arkansas, California, and to remote districts of the four states first above named. An examination of this roll indicates that the maker thereof must have been very painstaking in running down all clues that would locate Cherokees entitled to be placed thereon, but such examination fails to disclose the name "Bryant" so enrolled or in any way referred to.

In his letter submitting this census to the Commissioner of Indian Affairs, Mr. Siler comments on the scattered condition of the Cherokees, and adds: "I think, however, very few indeed, have been omitted (from the roll) if there are any".

Under Acts of Congress approved September 30, 1850, and February 27, 1851 (9 Stats. 555 and 574), making appropriation of a large amount of money to the Cherokee Indians residing east of the Mississippi River, a roll of those entitled to share in the per capita payments of \$92.73 a head, was made by one Alfred Chapman. This roll includes the names of 2133 persons residing in the states of North Carolina, Tennessee, Alabama, Georgia and Kentucky, and in Washington D. C., to whom

payments were made amounting in all to \$193,253.09, but after a careful examination the name Bryant can not be identified thereon.

When the 1851 and 1852 rolls were made John Bryant and many of his descendants were living within the limits of the state of Tennessee. They knew that a large amount of money was being paid to those Cherokees east of the Mississippi river by one Alfred Chapman (see deposition of Zach Bryant, p. 213) and that several thousand dollars of this money would have been their share had they been able to establish their Cherokee blood, but it is not recorded that they ever made an attempt to secure *which* ~~that~~ it is now claimed they were entitled to.

It is also worthy of note that from the earliest period of which we have any authentic record of this family, till the year 1865, their migrations have always been away from the Cherokee people. This was particularly noticeable in 1858 when, while living less than three hundred and twenty-five miles from the country of the Western Cherokees, and about the same distance from the Eastern band, they passed the Cherokee Nation (Indian Territory), and traveled over five hundred miles to reach Denton County Texas.

In re action of Cherokee authorities in dealing with the petition for Cherokee citizenship of Hannah Flippin et al. An Act of the Cherokee Council approved November 26, 1879, made provision for, inter alia, the creation of a special commission to be designated "The Commission on Citizenship."

The first Commission sitting under authority of this Act was composed of Roach Young, William Harnage, and G. W. Hayes, which held regular terms during the period beginning January 5, 1880 and ending October 3, 1881, which was followed by the Commission commonly known as the "Tehee Court", composed of Thomas Tehee, Alex Wolfe and S. T. Thompson, which sat in term time from January 30, 1882 till September 27, 1883, and in turn, was succeeded by the Commission commonly known as the "Spears Court", composed of Eli Spears, John Lee and Andrew Young, alias Snake. Puppy, which held regular terms during the interval commencing January 1, 1884 and ending September 26, 1884.

The Act of Cherokee Council, supra., reads, in part, as follows:

"The Commission on Citizenship may admit as evidence in any of the cases herein named, the oral testimony of witnesses under oath, the decisions records or other papers or certified copies thereof in the Clerk's office of the National Council or of the Supreme Court of the Cherokee Nation; duly authenticated, pertaining to any case brought before it under this Act, and shall give such weight in making up their judgment thereon as they may deem it entitled to." (p. 325)

In conformity with this provision said citizenship Commission on February 1, 1882, adopted, among others, the following rule of practice, viz:-

"9. All witnesses giving testimony will be required to appear in person and make their statements in open court. The deposition, or affidavits, of witnesses taken out of court will not be accepted as competent evidence in any case." Docket Cherokee Citizenship Commission.

The only witnesses appearing before the Spears Court in behalf of the applicants were Hannah Flippin's brother, Aaron Belew, and one S. H. Wilburn, a relative. The ex parte affidavits filed with the Spears Commission by the applicants are not only intrinsically valueless on the question at issue, as an examination of them will show, and should not have been admitted under the most liberal construction of the rules of evidence, but, in fact, were admitted in open violation of the Act creating said Commission, and directly contrary to the rule of procedure adopted by the court which declared that such instruments would "not be accepted as competent evidence in any case." Hence the only competent evidence before the Commission was the testimony of the witnesses Aaron Belew and S. H. Wilburn, to which attention is respectfully invited. (pp. 228, 229)

In a brief filed in this case by the attorney for the applicants, he says "The Spears Commission had before it the following testimony: The deposition of Zach Bryant, who testified, etc".- This is clearly error, as the deposition of Zach Bryant was not taken till nearly three years after the Spears Commission rendered its decision.

The record further shows that at the close of the proceedings before the Spears Court, the attorney for the Cherokee Nation, J. M. Smith, not having cross-examined the two witnesses introduced, remarked "There was very little testimony in the case, but it was all to the point. That woman (Hannah Flippin) is a Cherokee and I am not going to argue the case." The position assumed by the Nation's attorney, in view of the showing made by the applicants, and his oath of office prescribed by the Act creating the Commission (p. 324), was a most flagrant breach of duty and in effect amounted to a non-feasance of office. For comments on like conduct see opinion of the Assistant Attorney General rendered in the Coleman case, on March 10, 1906 (I. T. D. 9871-05).

What the motive was that prompted the Spears Court to admit the ex-parte affidavits of persons residing in Texas and Tennessee, wholly incompetent from any point they may be considered, and enter a decree admitting applicants to Cherokee citizenship under the meager, unsatisfactory, and conflicting testimony of interested parties, or the motive that prompted the Nation's Attorney to wholly disregard his duty in the premises, is not

necessary to consider here, and can be dismissed with the remark that the inducing motive in each instance was certainly not due to any meritorious showing made by the applicants of their Cherokee blood. That the evidence before the Spears Court was not sufficient to sustain a decree admitting Hannah Flippin and her children to Cherokee citizenship, is obvious, and under authority of the ruling of the Department in the Harry Still case, supra., this office is of the opinion that said decree should have been, as it later was, set aside and held for naught.

The authority of the Cherokee Council to pass the Acts of November 21, 1879, and December 8, 1886, supra., or the jurisdiction of the Spears Court over said parties, is not questioned, but objection is made that the Adair Court did not obtain jurisdiction of the Flippin family, and if it did it subsequently lost the same, hence its judgment setting aside the decree of the Spears Court was null and void.

Section 18 of the Act of December 8, 1886, authorized the investigation of the charges of fraud made against, among others, Hannah Flippin and family, in procuring admission to Cherokee citizenship, and in pursuance of this authority the following proceedings relative thereto were had before the Adair Court.

On April 21, 1887, in answer to the summons theretofore issued by said Court, Hannah Flippin et al., appeared and the following proceedings were had, to-wit: Two answers filed, one by Hannah Flippin and her children and one by Hannah Flippin and children by their attorney, J. M. Bryan, also argument of J. F. Bryan.

On the dates below mentioned further proceedings were had in this case as indicated, namely:

May 5, 1887, notice duly served on attorney for applicants that the Cherokee Nation would attempt to show that John Bryant was not of Cherokee blood.

May 20, 1887, notice from R. F. Wyley to J. M. Bryan, attorney for applicants, that on May 23, 1887, the Cherokee Nation would ask for a continuance in the Flippin case.

May 23, 1887, motion to dismiss the case for want of jurisdiction filed by attorney for applicants. Motion for continuance filed.

June 27, 1887, notice served on attorney for applicants that on July 13, 14 and 15, 1887, the Cherokee Nation would take the depositions of certain persons residing in Gibson County Tennessee.

depositions of Zach Bryant and C. W. Robinson taken on July 15, 1887, at Trenton, Gibson County, Tennessee, filed by the Cherokee Nation.

August 18, 1887, Motion filed by J. M. Bryant praying that the Court receive no hearsay testimony in the Flippin case. Overruled.

August 18, 20 and 23, 1887, testimony of ten witnesses taken in behalf of the Cherokee Nation, all of whom were cross-examined.

August 20, 1887, affidavit as to good character of Eli Spears filed by the defendants.

August 22, 1887, Request filed by J. L. Bryan asking for certified copies of all proceedings had in case to date and Notice calling the Court's attention to one Lucy Bryant, a reservee under the treaty of 1817, who it was claimed, was the daughter of John Bryant.

testimony of John P. Harnage taken by Cherokee Nation.

Brief filed by attorney for applicants in which he discussed in detail the depositions and testimony of witnesses introduced by the Cherokee Nation, also the evidence introduced by the defendants.

August 25, 1887, second brief filed by attorney for applicants in which the unconstitutionality of Section 18 Act of Cherokee Council approved December 8, 1828, is alleged and the depositions and testimony of witnesses for Cherokee Nation re-cited and discussed fully, to which was added "Evidence closed by the Nation" and then a summary of the evidence introduced by the defendants set out in full.

August 30, 1887, Court rendered its decision in the case. Thereafter the Commission received a letter from Hannah Flippin and her children (written by her attorney), dated September 20, 1887, requesting the Commission to advise what disposition had been made of their case and if disposed of the date of decision, whether its finding was for or against defendants and if against them that a copy of the Commission's opinion be forwarded to them.

Subsequently Mr. Bryan filed with the Interior Department a protest against the decision of the Adair Court which declared the Flippin family to be intruders on the Cherokee domain and nearly five years later, after much correspondence between the Flippins, their attorney, and the Department, Mr. Duncan was dispatched to the Cherokee Nation to investigate and report.

The proceedings before the Adair Court have been set out in full in order that the contentions of applicants may be more easily examined.

It is contended on behalf of applicants that if the Adair Court ever had jurisdiction of the Flippins it was lost in two ways, to-wit:

(1) "In proceeding to judgment while there was in the record undisposed of a motion to dismiss the case for want of jurisdiction of the Commission. This motion was endorsed on the back: 'No action of this motion by Commission', and this endorsement dated and signed by the Clerk of the Commission". p. 356.

(2) That on May 23, 1887, the Commission continued the case until such time as should be agreed upon

by the attorneys in said case, and that there is nothing in the record to indicate that any time was ever agreed upon by said attorneys. p. 357".

From an examination of the record of proceedings had before the Commission on May 23, 1887, it can not be ascertained in what order they were had, but whatever may have been the order it is apparent that the final ruling of the Court was that the case should be continued. This, in effect, overruled applicants' motion to dismiss the case, and that the applicants so understood it is apparent from subsequent proceedings. An entry on the Court's docket (p. 167), undated, in the Clerk's handwriting, reads as follows: "Case called and continued until August 18th, 1887", and that the applicants understood their case was continued till that date is also apparent from subsequent events.

The endorsement on back of motion referred to by applicants is written in pencil, and was evidently made by one of the attorneys representing the Flippins before the Dawes Commission in 1898. That it was not made by any member of the Adair Commission is evident from a comparison of the handwriting, and the assertion that this endorsement is dated and signed by the Clerk of the Commission is manifestly error, as the most casual examination will show. There is this endorsement, however, stamped on said motion, to-wit: "Filed Feb'y 25, 1897, Jas. A. Winston, Clerk." This was the filing stamp of the clerk of the U. S. District Court, Northern District, Indian Territory, evidently placed thereon when the case came before that Court on appeal. The following also appears thereon, viz: "This motion should be dismissed the case." Mr. J. M. Bryan, attorney for applicants, before the Adair Court was the author of this endorsement--likewise of many others found on papers filed in the case in which he gave vent to not only his legal opinion but quite often to his feelings in the matter.

In support of the second reason advanced to show that the Adair Court lost jurisdiction of the Flippin case, Attorney for applicants says: "There is from this time (May 23, 1887) forward no appearance of any attorney for the applicants before the Commission and the presumption is that this Commission simply passed upon the case without any notice to Hannah Flippin or her children or their attorney of record." (p. 357). Again applicants' allegations are contradicted by the record. The Court's docket shows that at some stage of the proceedings, date unknown, the case was continued till August 18, 1887, and the record shows that on that date Mr. Bryan appeared before the Court and filed a motion requesting that no hearsay testimony be received as evidence in said case, that it is reasonable to presume that it was he who cross-examined the ten witnesses introduced by the Cherokee Nation on August 19, 20, and 23, 1887. This presumption

is strengthened by the fact that subsequent to the introduction of these witnesses and prior to the Court's decision, the attorneys for applicants filed briefs and arguments in which he discussed fully all proceedings had to date in the case.

An examination of the brief and argument filed by Mr. Bryan indicates that he considered the case closed and ready for a decision. This theory is also strengthened by the fact that under date of September 26, 1887, in a letter (Mr. Bryan's handwriting) signed "Hannah Flippin for herself and children, J. E. Bryan, Attorney for Flippins," the Commission was requested to advise the applicants whether or not a decision had been rendered in their case, and if so, was it favorable or unfavorable.

In view of the record of proceedings had before the Adair Court in the Flippin case it is believed that the Court obtained jurisdiction of the parties thereto and retained the same until its decision was rendered on August 29, 1887, and that said decision was rendered after both sides had closed their case. It is not considered that the validity of said decision is affected by the fact that the parties were not present in Court when it was rendered.

With reference to the Duncan report, two objections can be made, to-wit:-

First: It is not in harmony with the facts, in this, namely, it wholly misrepresents the proceedings had before the Adair Court; and

Second: Mr. Duncan had no authority to determine or pass upon matters he presumed to adjudicate and report to the Department from Vinita, on July 29, 1892, and the Assistant Attorney General so ruled in his opinion rendered on July 16, 1894, in the case of John O. Cobb et al. v. the Cherokee Nation (p. 257).

Mr. Duncan in his report says that the Adair Court had no regular terms. That said Court had regular terms attention is invited to Section 8 of the Act creating it (p. 267), and to the report of J. T. Adair, Chairman, under date of November 14, 1887, (p. 342). He further says in his report that the applicants were not represented when the case was tried. That this is clearly error see record of proceedings had before said Court supra.

Without setting out in full or discussing the evidence introduced before the Adair Court in the Flippin case it is considered, after a careful examination of the same, that it was sufficient to warrant the decision rendered, and under the ruling of the Department in the case of Harry Still, supra., and Richard B. Coleman et al. (I.T.D. 12436-04 and 4220-06), said decision should be affirmed by this office. It is not considered that the proceedings had before the Commission to the Five Civilized Tribes on May 25, 1905, are sufficient to impeach the testimony of certain witnesses appearing before the Adair Court in 1887, or to affect the decision rendered by that Court in the

Flippin case.

It is further shown that the applicant, Hannah Flippin, died prior to September 1, 1902.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case fails to show that the said John Bryant, deceased, was possessed of Cherokee blood, or ever was a citizen of the old Cherokee Nation, or that the applicants herein possess any rights to enrollment as citizens by blood of the Cherokee Nation other than as his descendants, hence the applications for their enrollment as such citizens come within the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector, (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2298-04), Ed Williams (I.T.D. 4230-04), Jane Looney et al (I.T.D. 6410- 12586-04), Florence Bratcher (I.T.D. 12692-04) Moses Ross (I.T.D. 6053-04) and Frankie Grimsatt (I.T.D. 17802-1905).

And that the evidence shows that on September 26, 1884, Hannah Flippin and her children were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof; that in 1888 certain of them were duly enrolled as such citizens; and that on August 29, 1887, they were legally deprived of their Cherokee citizenship and have not since acquired citizenship in said Nation. *Roif v Burney*, 42 L. Ed. 442.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Eliza, Lunay, Sam Goode and Georgia McGlasson, Tennessee Picklin, Agnes Dorsey, Samuel Eugene, Mary and Leo Mary Picklin, Mary Jane, Ocheechee or Baby and Charlie Skinner, Lula, Nina, Frances, Nettie and Helen Freeman, Sophy, F. Harrison and Charlie Oliver Bethell, Jennie Ellis, Belle Z., Jon F., Andy Houston, Milton C. Jr., and Corwin Blaine, Bowers, Berna E. Roswell, James F. and William T. Flippin, Nettie B., Callie, Dixie, Katie, Sam, Blanche and Clabe Dirickson, Alice B., Samuel Reed, Thomas James and Alice May Tanner, James H. Flippin and Maud Crutchfield, Gladys Roswell, Ben McGlasson, Clarence F. and Dez Ellis, Theodore and Bertha Brickston, Ray F., John F., Ed and Bertha Diamond, Emmett and Beber Skinner and James C. Flippin Jr., are not entitled by virtue of either claim considered in this decision to enrollment as citizens of the Cherokee Nation, and their applications for enrollment as such are accordingly denied. And that, under the provisions of Section Twenty-five of an Act of Congress approved July 1, 1902 (32 Stat., 713), the application for the enrollment of Hannah Flippin should be, and the same is, hereby dismissed.

CONFIDENTIAL

James Dixby
Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 10 1907

Department of the Interior,
RECEIVED
JUL 8 1902
Enc. No. 11 of 4110
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
APR 7 - 1905
Returned with No. 3566
IND. TERR. DIV.

COPY

Chero. R-596.

Muskogee, Indian Territory, June 20, 1902.

Alice B. Tanner,

Catoosa, Indian Territory.

Madam:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and children, Samuel R. Tanner, Thomas J. Tanner and Alice M. Tanner, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby.

Acting Chairman.

Enc. R-596.
Registered.

Chero. R-596.

COPY.

Muskogee, Indian Territory, June 10, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Alice R. Tanner for the enrollment of herself and children, Samuel H. Tanner, Thomas J. Tanner and Alice M. Tanner, as citizens of the Cherokee Nation, including the decision of the Commission dated May 30, 1902.

Respectfully,

Tame Dixby.

Acting Chairman.

Enc. R-596.

Through the Commissioner
of Indian Affairs.

901

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

PLEASE REPLY TO THE FOLLOWING

Chero. R-596.

ALLISON L. AYLESWORTH.
SECRETARY

Muskogee, Indian Territory, June 10, 1902.

W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes in the matter of the application of Alice B. Tanner for the enrollment of herself and children, Samuel R. Tanner, Thomas J. Tanner and Alice M. Tanner, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,


Commissioner in Charge.
~~Acting Chairman.~~

Enc. R-3.

Refer in reply to
the following:
Land
34908-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, July 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made June 10, 1902, by T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Alice B. Tanner, for the enrollment of herself and her children Mary R., Thomas and Alice M. Tanner, as citizens by blood of the Cherokee Nation.

May 20, 1902, the Commission found that the parties were not entitled to enrollment.

The record in this case shows that Alice B. Tanner is the daughter of John C. Flippin; that in 1896 she applied to the Commission for the enrollment of herself and children as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, John H. Tanner, as a citizen by intermarriage; that the Commission denied the application; that an appeal was taken, and that the court for the northern district of the Indian Territory affirmed the decision of the Commission rejecting the applications.

✓

It does not appear from the record that the names of any of these parties are found on any of the rolls of the Cherokee Nation.

The office believes the decision of the Commission is correct and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

GAW
D

3 inclosures.

D. C. 12399-1902.

44910

J. P.

DEPARTMENT OF THE INTERIOR.

Washington, July 28, 1902.

ITD. 4110-1902.

EAF.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of June 10, 1902, you transmitted the record in matter of the application of Alice B. Tanner for enrollment of herself and her children, Samuel R., Thomas J. and Alice M. Tanner, as citizens of the Cherokee Nation.

It appears from the evidence that Alice B. Tanner is identified on the Cherokee roll of 1886; that her father was admitted to Cherokee citizenship in 1884 by the "Spears Court on Citizenship," but the "Adair Commission" afterwards set aside the judgment of said "court" and held the same to be null and void; that under the act of June 10, 1896 (29 Stat., 321), the Commission to the Five Civilized Tribes denied the application for enrollment of these applicants and the husband of Alice B. Tanner, which action the United States court, upon appeal, affirmed. By your decision of May 20, 1902, you rejected the application.

Concurring in the recommendation of the Acting Commissioner

-2-

of Indian Affairs, the Department affirms your decision. A copy of his letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

EDD.

1 inclosure.

Cherokee R 596.

10077
Muskogee, Indian Territory, August 5, 1902.

Alice B. Tanner,

Catoosa, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself and your three minor children, Samuel R., Thomas J. and Alice M. Tanner, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 23th day of July, 1902.

Yours truly,

James D. Dixby.

Acting Chairman.

SR

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee R 596.

ALLISON I. AVIESWORTH,
SECRETARY

Muskogee, Indian Territory, August 5, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Alice B. Tanner for the enrollment of herself and her three minor children, Samuel R., Thomas J., and Alice M. Tanner, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 28th day of July, 1902.

Yours truly,

Acting Chairman.

DEPARTMENT OF THE INTERIOR

J.W.H.
LHB

D.C. 19733-1905.
I.T.D. 710, 969, 1033, WASHINGTON.
2637, 2638, 2682,
2694, 3376, 4004,
4110, 5191, 7901-1902.
1486, 3576-1905.

April 12, 1905.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

April 6, 1905, the Indian Office transmitted a communication dated March 8, 1903, from William Henry White, attorney at law, of this city, transmitting notions for review and rehearing in certain Cherokee cases, wherein the applicants claim enrollment as citizens by blood of the Cherokee Nation. The names of the principal applicants, their file numbers, and the date of departmental action concerning each appear as follows:

| Name. | File No. | Date. |
|---------------------------|------------------|---------------|
| Hannah Flippin et al. | I.T.D. 2682-1902 | May 12, 1902 |
| Fleda McGlasson et al. | " 696- " | Feb. 7, " |
| Tennessee Picklin et al. | " 5191- " | Aug. 29, " |
| Jennie Ellis | " 710- " | Feb. 7, " |
| Nettie B. Derickson et al | " 2638- " | May 12, " |
| Mary Jane Skinner et al. | " 2694- " | May 12, " |
| Mary I. Flippin for | " | |
| William T. Flippin | " 2637- " | May 12, " |
| Lula Freeman et al. | " 7901- " | Jan. 5, 1903 |
| Alice B. Tanner et al | " 4110- " | July 28, 1902 |
| James H. Flippin | " 3579- " | June 27, " |
| James F. Flippin | " 4004- " | July 2, " |

It appears that the principal applicants in the above entitled cases were denied enrollment under the act of June 10, 1896 (29 Stat., 321), either by the Commission to the Five Civilized Tribes, or by the United States court on appeal, or by both.

Subsequently, by virtue of the act of June 28, 1898 (30 Stat., 495), your Commission refused to enroll said applicants, basing its decision in some cases because of prior rejection by the said Commission or by the United States court, and in other cases for the further reason that your Commission deemed itself without jurisdiction in the matter in view of the act of May 31, 1900 (31 Stat., 221). These decisions, denying said applicants enrollment as Cherokees by blood, were affirmed by the Department. In one case, however, that of James F. Flippin, the of enrollment by intermarriage was granted both by your Commission and by the Department. Inasmuch as he has been recognized by the tribal authorities as a citizen by blood, action will be taken herein concerning his request to present further testimony in support of such claim.

Upon further examination it appears that certain of the above-named applicants were admitted to Cherokee citizenship September 26, 1884, by the Spears Commission, and two years later were enrolled upon the 1886 tribal roll. Others of the applicants were admitted by said commission in 1884, but their names do not appear on the 1886 roll. Such admission, however, was the legal equivalent of enrollment. Still others of the applicants were

minors when their parents were enrolled or admitted, or were born subsequent thereto, acquiring thereby the status of their parents.

Inasmuch, therefore, as said applicants were recognized citizens of the nation prior to the act of June 10, 1896, supra, your Commission and the courts under said act were without jurisdiction to pass upon their cases. Although the name of Agnes Dorsey does not appear in the list given above, it seems that she is the daughter of the said Tennessee Ficklin, and that testimony was taken concerning both September 29, 1900. As Agnes Dorsey's case in all material respects is the same as that of the other herein referred to, the same action will be taken in her case as in others.

It is requested on behalf of the applicants, in order that time and expense may be saved, that these cases be consolidated, and that for the convenience of all concerned, rehearing be had at the same time, such action to be taken as a part of the proceedings in connection with the rehearing directed February 15, 1905, by the Department in the case of Belle Z. Bowers.

Inasmuch as they claim with her a common ancestry and source of rights, a rehearing is accordingly granted concerning the ^{named} case/above, and their consolidation is therefore directed.

In addition to the foregoing case the Indian Office

a

transmitted the record in the case of Sophia Bethel, concerning which see departmental letter of February 14, 1902 (I.T.O. 1033-1902). From the showing made it is evident that a rehearing should also be granted in her case in connection with the foregoing, and you will act accordingly.

In the motion filed by said attorney there was also a request that with the foregoing there be consolidated the applications in the following cases: Belle Z. Bowers, Maud Crutchfield et al., James C. Flippin, John C. Flippin, Bertha Bricksten et al., John F. Diamond et al., Emmett Skinner and Heber Skinner. So far as the case of Belle Z. Bowers is concerned, this request is granted. The records, however, in the other cases last named above are not before the Department.

Accordingly at this time their consolidation with the foregoing will not be directed. The Department considers, nevertheless, that such action would be advisable if the applicants in these cases claim a common ancestry and source of rights with Belle Z. Bowers.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

56 inclosures.

J. W. H.
W.D.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 20, 1906.

D. C. 20448-1906.

DIRECT.

I. T. D. 3666-1906.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to departmental letter of April 12, 1905, returning to you for rehearing and consolidation the records in the Cherokee enrollment cases of Hannah Flippin et al., there are inclosed herewith motions for consolidation affecting Belle E. Bowers et al., Bertha Erickson and Theodore Erickson, Heber Skinner, Emmett Skinner, John C. Flippin, John F. Diamond et al., Naud Crutchfield et al., and James C. Flippin.

These motions were inadvertently omitted from departmental letter above referred to.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

6 enclosures.

Cherokee R-596.

Muskogee, Indian Territory, May 1, 1905.

Alice B. Tanner,

Catoosa, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of April 12, 1905, remanding this case for rehearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 25, 1905, and introduce such testimony as you may desire in support of your said application. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Register.

(SIGNED).

Tamm Dixby.
Chairman.

COPY.

Cherokee Memo. 405,

et al.

Muskogee, Indian Territory, May 1, 1905.

William Henry White,

Attorney for Hannah Flippin, et al.,

Columbian Building,

410 Fifth Street, N. W.,

Washington, D. C.

Dear Sir:

In the matter of the application for the enrollment of Hannah Flippin, et al., as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of April 12, 1905, remanding this case for rehearing and readjudication. The records of the Commission do not disclose the postoffice address of Bertha and Theodore Ericksten, Heber and Emmett Skinner, John C. and James C. Flippin, John F. Diamond and Maud Crutchfield. You are respectfully requested to notify them of the Department's action, and of the time and place of taking testimony in these cases.

The other applicants have this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 25, 1905, and introduce such testimony as they may desire in support of their applications. You are further advised that the Cherokee Nation

will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

W. H. D. *Tame Dixby.*

Chairman.

Incl. 8-8
Register

COPY.

Cherokee Memo. 405,

et al.

Muskogee, Indian Territory, May 1, 1905.

W. V. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Hannah Flippin, et al., as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of April 12, 1905, remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 25, 1905, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

(SIGNED).

Tamm Dixey.

Chairman.

Incl. 3-7

Cherokee
R 596.

Muskogee, Indian Territory, January 10, 1907.

Alice B. Tanner,

Broken Arrow, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, your application for the enrollment of yourself and children as citizens of the Cherokee Nation. Your attorney, William Henry White, Washington, D. C., has heretofore been furnished a copy of the record of proceedings had in the case and there has this day been forwarded him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-109
JMH

Register.

Cherokee
M 405 et al.

Muskogee, Indian Territory, January 10, 1907.

William Henry White,
Attorney for Hannah Flippin, et al.,
Washington, D. C.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, dismissing the application for the enrollment of Hannah Flippin and rejecting the applications of Fleda McGlasson, et al., for enrollment as citizens of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-120
JMH

Cherokee
M 405 et al.

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, dismissing the application for the enrollment of Hannah Flippin and rejecting the applications of Fieda McGlasson, et al., for enrollment as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-121
JMH

Commissioner.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Hannah Flippin, et al., (Cherokee M 405, et al.), together with the decision of the Commissioner, dated January 10, 1907, dismissing the application for the enrollment of Hannah Flippin and rejecting the applications of all the other applicants for enrollment as citizens of the Cherokee Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Encl.H-122
JMH

COPY

Land.
3867-1907
15660- "

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby dated January 10, 1907, relative to the consolidated Cherokee citizenship case of Hannah Flippin, et al., together with the decision of the Commissioner dated January 10, 1907, dismissing the application of Hannah Flippin and rejecting the applications of all the other applicants for enrollment as citizens of the Cherokee Nation.

The applicants herein are as follows: Hannah, James F., Mary I., William T., James H., Gladys, James C. Jr., and Ella May Flippin; Lula, Mina, Frances, Nettie and Helen Freeman; Sophy E. Harrison, and Charlie Oliver Bethell; Jennie, Clarence and Dug Ellis; Belle Z., Lon E., Andy Houston, Wilton C., Jr., Corwin Blaine and Wilton C. Bowers, Sr.; Nettie B., Callie, Dixie, Katie Sugg, Blanche and Clabe Dirickson; Alice B., Samuel Reed, Thomas James, and Alice May Tanner; Fleda, Lunay, Sam Goode, George and Benny McGlassen; Tennessee, Agnes Dorsey, Samuel, Eugene, Mary, and Leo Nancy Picklin; Mary Jane, Ocheechee or Baby, Charlie, Emmett and Heber Skinner; Theodore and Bertha Ericksten; Roy F., Emma and Bertha Diamond.

Certain of the petitioners herein have heretofore been denied the right to enrollment by the Commission to the Five Civilized Tribes, which action was subsequently affirmed by the Department. On February 15, April 12 and 20, 1905 (I.T.D. 1486-3566-1905), the cases as to those heretofore denied were consolidated and remanded to the Commission with direction to hear and decide them on their merits.

The Commissioner finds from the evidence that it is fully established that Hannah Flippin, now deceased, was the granddaughter of one John Bryant now deceased, who for many years prior to his death in 1855, at the age of eighty, lived in Gibson County, Tennessee, is the common ancestor of all the other applicants herein, and that none of the applicants herein possess any Cherokee blood other than such as they may have obtained as descendants of John Bryant; that certain of the applicants together with the deceased ancestors of others herein, are identified on the Cherokee pay roll of 1886, but that none of them except James F. Flippin, who is identified on the Cherokee census roll of 1896 as an intermarried Cherokee citizen, nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on any other roll of the Cherokee Nation.

It further appears from the record that on September 25, 1884, Hannah Flippin and her children were admitted to Cherokee citizenship by the "Spears Court", and that on August 29, 1887,

the decree of the "Spears Court" admitting Hannah Flippin and her children as above, was declared to be null and void to all intents and purposes, by the "Adair Court", on account of having been procured by fraud.

Mr. Rixby concludes that the evidence introduced before the Adair Court was sufficient to warrant the decision rendered; and that the evidence in this case fails to establish that John Bryant, deceased, was possessed of any Cherokee blood or ever was a citizen of that Nation, and recommends that the application of all of the persons mentioned in the first paragraph hereof, with the exception of Hannah Flippin, be denied. Hannah Flippin having died prior to September 1, 1902, the case is dismissed as to her.

After a careful examination of the record in this case the Office is of the opinion that the decision of the Commissioner is warranted by the facts and it is recommended that it be approved.

Very respectfully,

N. W. Larrabee,

Acting Commissioner.

A.J.W. -V L

D.C.12463

COPY

J.Y.Wr.

DEPARTMENT OF THE INTERIOR,

I.T.D.5762-1907.

WASHINGTON.

P.R.

IRS

March 1, 1907.

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 10, 1907, you transmitted the record in the matter of the application for the enrolment of Hannah Flippin, et al., as citizens of the Cherokee Nation, together with your decision of the same date, adverse to all the applicants in the case.

Reporting February 27, 1907 (Land 3867-07), the Indian Office concurs in said decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 4 for Ind. Of.

A P Mc

3-1-07

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R 596.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 4, 1907.

Alice B. Tanner,

Catoosa, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for the enrollment of yourself and children, was affirmed by the Secretary of the Interior, March 1, 1907.

Respectfully,

W. H. Rogers
Acting Commissioner.

LMC

Cherokee
M 405. et al.

Muskogee, Indian Territory, April 4, 1907.

William Henry White,
Attorney for Hannah Flippin, et al.,
Washington, D. C.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rejecting the application for the enrollment of Hannah Flippin, et al., as citizens of the Cherokee nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-49
LMC

Cherokee
v. 400, et al.

Muskogee, Indian Territory, April 4, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rejecting the application for the enrollment of Hannah Flipoin, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl. C-50
LMC

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



RETURNED

Alice B. T. 1861,

G. 1861, Ind. Ter. 1861.



Cher R 597

Cher R 597

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 26th, 1900.

IN THE MATTER OF THE APPLICATION OF JAMES H. FLIPPIN FOR THE
ENROLLMENT OF HIMSELF AND HIS WIFE AS CHEROKEE CITIZENS.

The said James H. Flippin, being sworn and examined by commissioner
C. R. Breckinridge, testified as follows:

- Q Give me your full name. A James H. Flippin.
Q How old are you? A Twenty-five.
Q What is your post office? A Claremore.
Q Do you live in Cooweescoowee District? A Yes, sir.
Q Have you a family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q Children? A No, sir.
Q You apply for yourself and wife, do you? A Yes, sir.
Q Are you a Cherokee by blood? A I am supposed to be.
Q You apply as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee or a white woman? A She is a Cherokee.
- Q How long have you lived in the Cherokee Nation, all your life?
A No, sir; I came here when I was eight years old, and I have been
here something like seventeen years.
Q Were you admitted to citizenship by the Cherokee Commission or
Council? A Yes, sir.
Q Have you a certificate of admission? A No, sir.
Q When were you admitted? A In 1884.
Q Did you ever apply to the Daves Commission for admission to
citizenship? A Yes, sir.
Q Your application was in the case of your grandmother, Hannah
Flippin? A Yes, sir.
Q You apply now for enrollment under your rights as a Cherokee by
blood or as a Cherokee by intermarriage? A By blood.
Q What is the name of your father? A John Flippin.
Q Did he die before 1896? A Yes, sir.
Q What is your mother's name? A Mary I. Flippin.
Q Your mother is the widow of John C. Flippin? A Yes, sir.
Q Give me the name of your wife. A Ella May Flippin.
Q When did you marry her? A I married her the 23rd of October
1898.
Q What was her name when you married her? A Ella May Raper.
Q Was that her maiden name? A Yes, sir.
Q Was she born in the Cherokee Nation? She lived here all her
life? A Yes, sir.
Q Give me the name of her father. A Will Raper.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother. A Jennie.
Q Is she dead? A Yes, sir.
Q Has her father been dead twenty years? A Hardly, no sir.
Q Has her mother been dead as much as twenty years? A No, sir.
Q Have you a certificate of your marriage to your wife? A I

have not.

1880 Roll, page 573, No. 1525, Ella Raper, Illinois District.
1896 Roll, page 238, No. 3928, Ella Raper, Cooweescoowee District.

JAMES H. FLIPPIN, being sworn and examined by the Commissioner,

testified as follows:

Q Give me your name. A James F. Flippin.
Q How old are you? A Thirty years old.
Q What is your post office? A Claremore.
Q Are you a brother of the applicant here? A Yes, sir.
Q What was the name of his wife before he married her? A Ella Raper.
Q Did he marry her about two years ago. A Yes, sir.

THE COMMISSIONER: The applicant applies for the enrollment of himself and wife. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life; her change of name arises from her marriage since 1896, as established by satisfactory personal testimony, and she will be listed now for enrollment as a Cherokee by blood.

The applicant himself is shown by Docket B., page 404 of the Dawes Commission, No. 5343, to have been included in an application for citizenship made to the commission in 1896. According to the record, the application made for his mother and himself and other members of his immediate family, was denied by the Commission. An appeal was taken to the United States Court, and the decision of the commission sustained by said court. The Court numbers involving these applicants were 245 and 200. The applicant states that he was admitted to citizenship in 1884. There is no evidence to support his contention that he was ever admitted to citizenship. It does not appear, therefore, that the applicant himself has ever been recognized in any manner as a Cherokee citizen. He is not upon any roll accessible to the commission, and therefore the commission is deemed to have no jurisdiction over his application at this time. Only a memorandum will be made of his own application. If he desires this memorandum reported to the Secretary of the Interior, it will be done upon receipt of a written request to the effect.

-----o-----

The undersigned, being sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of October, 1900.

[Signature]
Commissioner.

Meas 158

N 591

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 26 1900

[Signature]
A. J. C. CHAPMAN

DEPT. OF THE INTER
ON 10 1 88

11 11

11 11 90

Handwritten signature

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

On no roll and rejected by Commission and U.S. Court;
married Cherokee wife in 1898; name rejected; judgment stated.

Cherokee R 597

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 30 1902


ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 28, 1902.

In the matter of the application of James H. Flippin for the enrollment of himself as a citizen of the Cherokee Nation.

Upon an examination of the testimony had in the matter of the application of the said James H. Flippin, it appears that he claims to have been admitted to citizenship in the Cherokee Nation by the tribal authorities. The records of the Nation have been examined, however, and fail to disclose that he was ever admitted to citizenship therein by the tribal authorities.

Upon an examination of the Cherokee roll of 1886 the name of the applicant is found thereon as J. H. Flippin, in Cooweescoowee District. His name does not appear upon any other tribal rolls of the Cherokee Nation now in the possession of the Commission.

Upon an examination of the original papers filed with the Commission in the matter of the application of Hannah Flippin and others for admission to citizenship in the Cherokee Nation, it is found that the applicant in this case, James H. Flippin, was denied citizenship by the Commission; that an appeal was taken to the United States Court for the Northern District of Indian Territory, where the decision of the Commission was sustained.

It is directed that copies of this statement be filed with the testimony in the above case.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James H. Flippin,
for enrollment as a citizen of the Cherokee Nation.

DECISION.

---oOo---

On the 26th day of October, 1900, James H. Flippin, appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by blood of the Cherokee Nation. It appears from the testimony in this case, that the said James H. Flippin is 25 years of age, and lives in Cooweescoowee District of the Cherokee Nation. It further appears that his grandmother, one Hannah C. Flippin, was admitted to citizenship in September 1884, by what was commonly known and designated as the "Spears Court of Citizenship". The Cherokee Nation by its legal representatives, designated and known as the Adair Commission, which Commission was created in 1886, and especially authorized to open up judgment in the Spears Court on Citizenship, whereby Hannah C. Flippin and others were admitted, and where it was held by the aforesaid Adair Commission that the admission of Hannah C. Flippin and others was null and void to all intents and purposes, and the basis upon which they found this judgment was that the aforesaid admission was procured by bribery, fraud, misrepresentation and deceit. The applicant is identified by name on the Cherokee roll of 1886, and his application for enrollment as a citizen by blood is based upon the admission hereinbefore shown of his grandmother, Hannah C. Flippin.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Con-

gross approved June 28, 1898 (30 stats. 495):

" That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It further appears that on the 8th day of September, 1896, the said James H. Flippin among others, made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Cherokee Nation. It also appears that on the 24th day of November 1896, the said application was denied. He took an appeal to the United States Court for the Northern District of the Indian Territory, in which the Honorable Court rendered judgment in the case of several applications among whom was James H. Flippin, the applicant in this case, and which judgment reads as follows:

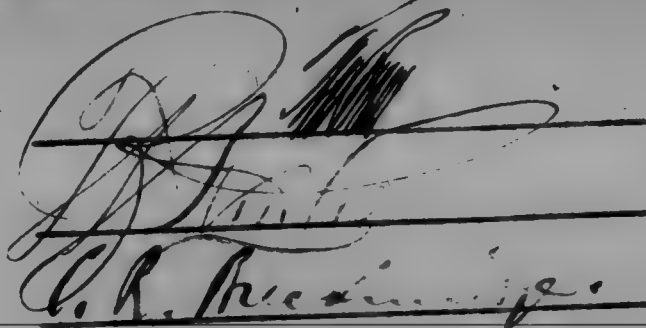
"The judgment of the United States Commission, x x x x x x rejecting claimants in this case is affirmed x x x x x" (See Court No's 245 and 260)

The testimony further shows that the aforesaid James H. Flippin, was married on the 23d day of October, 1898, to one Ella May Raper, said marriage being subsequent to the 16th day of December 1895, the following law of the Cherokee Nation which was passed by the Cherokee Council, and approved December 16, 1895, governs:-

That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Citizens of the Cherokee Nation, shall acquire, by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive, pages 329 to 334 of the Compiled laws of the Cherokee Nation; is hereby amended (so) as to conform to the provisions of this act, and to vest no other

than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

So that even if he had applied as a citizen by intermarriage, he could acquire no rights of citizenship by virtue of the aforesaid marriage, and having applied for enrollment as a citizen by blood, it is the opinion of the Commission, from the law and testimony as shown in this case, that James H. Flippin is not entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.



C. R. Buckner

Dated at Muskogee, Indian Territory,
this 21 day of May 1902.

IN THE DEPARTMENT OF THE INTERIOR.

-----o(o-----

In re Application of)
James H. Flippin as a)
Cherokee citizen.)

-----o(o-----

MOTION FOR REVIEW.

Now comes the said applicant by his attorney, William Henry White, and moves that the decisions of the Department and Commission be set aside and a new hearing granted and had for the following reasons:

1. That by the letter of the Commission to the Five Civilized Tribes dated July 13, 1904, filed with the Belle Z. Bowers case his name is shown to appear upon the 1886 roll.
2. That he was rejected by the Commission and Department because of his rejection by the United States Court on appeal under the Act of June 10, 1896.
3. That in the Belle Z. Bowers case this decision of the Commission and Department is error.

Respectfully submitted,

William Henry White

Attorney for Applicant.

18674

Indian Office,
10
Incl.-No.

1905

James H. Flippin.

Department of the Interior
RECEIVED.

APR 1 - 1905

Enc. No. 13 of No. 3566
Indian Reservation Commission.

IN THE DEPARTMENT OF THE INTERIOR.

-----oCo-----

In re Application of)
Hannah Flippin, et al., for En- :
rollment as Cherokee citizens.)

-----oCo-----

MOTION FOR CONSOLIDATION.

Now comes the above named applicant by her attorney, William Henry White, and moves that the following cases, of which this is one, be consolidated and readjudicated by the Commission together, for the reason that questions common to all of them must be considered by the Commission and Department, and testimony on these points will have to be taken, and that, therefore, the consolidation will save expense and time in their consideration:

Fleda McGlasson, et al.
Jennie Ellis, et al.
Tennessee Ficklin, et al.
Nettie B. Derickson, et al.
Mary Jane Skinner, et al.
Mary I. Flippin for William T. Flippin.
Lula Freeman, et al.
Alice B. Tanner, et al.
Hannah Flippin, et al.
James H. Flippin.
James F. Flippin.
Belle Z. Bowers, et al.
Maud Crutchfield, et al.
James C. Flippin.
John C. Flippin.
Bertha Erickson, et al.
John F. Diamond, et al.
Sophia Bethel, et al.
Emmett Skinner.
Heber Skinner.

Respectfully submitted,

WM. HENRY WHITE,

Attorney for Applicants.

(Original Motion of which this is a copy filed in the Hannah Flippin case.)

DISTRICT OF COLUMBIA, ss:

Joseph R. Curl, being first duly sworn according to law, deposes and says that he forwarded by registered mail on the 8th day of March, A. D. 1905, to W. W. Hastings, Esq., Attorney for the Cherokee Nation, Tahlequah, Indian Territory, a copy of motion for consolidation filed in the Hannah Flippin case, and copies of motions for review in the following cases:

Fleda McGlasson, et al.
Jennie Ellis, et al.
Tennessee Ficklin, et al.
Nettie B. Derickson, et al.
Mary Jane Skinner, et al.
Mary L. Flippin for William T. Flippin.
Lula Freeman, et al.
Alice B. Tanner, et al.
James H. Flippin.
James P. Flippin.
Hannah Flippin, et al.

(Signed) JOS. R. CURL.

Subscribed and sworn to before me this 8th day of March, A. D. 1905.

(Seal)

George C. Calkins
Notary Public, D. C.

(Original affidavit of which this is a copy filed in the Hannah Flippin case.)

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hannah Flippin, et al., as citizens of the Cherokee Nation, consolidating the applications of:-

| | | | |
|-----------------------------|----------|---|------|
| Hannah Flippin, | Cherokee | M | 405 |
| Fleda McGlasson, et al. | " | M | 102 |
| Tennessee Ficklin, et al. | " | M | 98 |
| Jennie Ellis, | " | M | 110 |
| Nettie B. Dirickson, et al. | " | I | 159 |
| Mary J. Skinner, et al. | " | M | 99 |
| William T. Flippin, | " | M | 156 |
| Lula Freeman, et al. | " | R | 629 |
| Alice B. Tanner, et al. | " | R | 596 |
| James H. Flippin, | " | D | 597 |
| James P. Flippin, | " | D | 667 |
| Belle Z. Bowers, et al. | " | M | 131 |
| James C. Flippin Jr. | " | M | 542 |
| Sophy Bethell, et al. | " | R | 101 |
| Kaud Cruthfield | " | | 5730 |
| Emmett Skinner | " | M | 543 |
| Heber Skinner | " | M | 544 |
| John F. Diamond, et al. | " | M | 545 |
| Bertha Ericksten, et al. | " | M | 546 |
| Berne B. Boswell, et al. | " | M | 130 |

DECISION.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokees by blood were made to the Commission to the Five Civilized Tribes by Hannah Flippin for herself; by Fleda McGlasson for herself and minor children, Lunay, Sam Goode and Georgia McGlasson, and her husband, George B. McGlasson by inter-marriage; by Tennessee Ficklin for herself and minor children, Agnes Dorsey, Samuel, Eugene, Mary and Leo Nany Ficklin; by Mary Jane Skinner for herself and minor child, Ocheeshee or Baby Skinner

and minor grandchild, Charlie Skinner (female); by Lula Freeman for herself and minor children, Nina, Frances, Nettie and Helen Freeman; by Sophy Bethell for herself and minor children, E. Harrison and Charlie Oliver Bethell; by Jennie Ellis for herself by Belle Z. Bowers for herself and minor children, Lon F., Andy Houston, Milton C. Jr., and Corwin Blaine Bowers, and her husband, Milton C. Bowers, Sr., by intermarriage; by Berne B. Boswell for herself; by James F. Flippin for, among others, himself, by intermarriage; by Mary I. Flippin for her minor child William T. Flippin; by Nettie B. Dirickson for herself and minor children Callie, Dixie, Katie, Sugg, Blanche and Clabe Dirickson; by Alice B. Tanner for herself and minor children, Samuel Reed, Thomas James and Alice Fay Tanner; by James H. Flippin for himself and wife, Ella Fay Flippin; and by John K. Crutchfield for, among others, his wife, Paul Crutchfield, nee Flippin, by intermarriage. Such rights as certain applicants herein may have to Cherokee citizenship by virtue of their marriage to recognized citizens of the Cherokee Nation will not be considered in this decision. The rights of the said James F. Flippin and Paul Crutchfield to citizenship by blood in the Cherokee Nation, being identical with the other claimants herein, will be adjudicated in this decision. The "others" included in the applications of James F. Flippin, and John K. Crutchfield, and the said Ella Fay Flippin, having been heretofore enrolled their rights to Cherokee citizenship will not be considered.

The record further shows that, among others, the said Hannah Flippin, Fleda, Lunay, Sam Goode and Georgia McGlasson, Tennessee, Samuel, Eugene, Mary and Leo Nany Ficklin and Agnes Dorsey, Mary Jane, Ocheechee or Baby, and Charlie Skinner, Lula Nina, Frances, Nettie and Helen Freeman, Sophy, E. Harrison and Charlie Oliver Bethell, Jennie Ellis, Belle Z., Lon F., Andy Houston, Milton C. Jr., and Corwin Blaine Bowers; Berne B. Boswell, William T. Flippin, Nettie B., Callie, Dixie, Katie, Sugg, Blanche and Clabe Dirickson, Alice B., Samuel Reed, Thomas James and Alice Fay Tanner, and James H. Flippin have been heretofore denied the right to enrollment as citizens of the Cherokee Nation by the Commission to the Five Civilized Tribes, and that its action in each instance was subsequently affirmed by the Department.

The record further shows that thereafter, to-wit: on February 15, April 12 and 20, 1905 (I.T.B. 1463-3566-05), on motions of the applicants the cases of all those named in the first paragraph of this decision were reopened, consolidated, and remanded by the Department, and the Commission to the Five Civilized Tribes directed to hear and decide said cases upon their merits, "hearing any other competent testimony and considering any other competent evidence that the parties may offer, necessary fully to present their contentions;" and that, in compliance therewith, further proceedings in the matter of said applications were had on April 13, and May 25, 1905, at Muskogee, Indian Territory, and on the latter date the following names, viz: Gladys Boswell, Bena McGlasson, Clarence F. and Daz Ellis, Theodore and

Bertha Ericksten, Roy F., John F., Emma and Bertha Diamond, Emmett and Heber Skinner, and James C. Flippin Jr., were submitted to the Commission as those of persons entitled to Cherokee citizenship as descendants of the applicant Hannah Flippin.

It further appears that, on request of the parties hereto, the following exhibits were filed with and made a part of the record in this case, to-wit: Affidavits of Berne E. Boswell and John P. Subberth, showing the birth of Gladys Boswell on September 9, 1901 (p.p. 197-8), certified copy of Spears Commission admitting Hannah Flippin et al. to citizenship in the Cherokee Nation (p. 199), letter of Commissioner Bixby to William Henry White, dated July 13, 1904 (p. 200), certified copy of certain proceedings had before, and papers filed with, the Dawes Commission in 1896 in re application for Cherokee citizenship of Hannah Flippin, et al. which also includes copies of proceedings had before the Spears and Adair Courts and before C. C. Duncan, U. S. Special Agent, together with his report, dated July 29, 1892 (p.p. 202 to 256 incl.), copy of appeal taken from decision of Dawes Commission in cases of Hannah Flippin et al. to U. S. District Court (p. 24), copy of an Act of the Cherokee Council approved December 3, 1869 (p. 265), copy of decision of Adair Commission in re Cherokee citizenship of Hannah Flippin, et al. (p. 272), opinion of William B. Springer, Judge, of the U. S. Court for the Northern District of the Indian Territory, in re rights to Cherokee citizenship of Hannah Flippin et al. (p. 275), opinion of the Supreme Court of the United States in the case of Stephens et al. v Cherokee Nation, 43 L. Ed. 1041 (p. 284), answer of Hannah Flippin and her children filed with the Adair Commission April 21, 1887 (p. 310), motion of J. M. Bryan attorney for Hannah Flippin and her children, filed with said Commission May 23, 1887 (p. 312), notice of R. F. Wyly, attorney for Cherokee Nation, served on J. M. Bryan, attorney for Hannah Flippin and her children (p. 313), opinion of Acting Attorney-General W. A. Day rendered December 7, 1904 (p. 314), letter from Pension Department to William Henry White, (p. 316), dated June 15, 1905, certified copies of mittimus of one John L. Taylor convicted of perjury and of presenting false claims against the Government, (p. 319), of Campbell H. Taylor, convicted of violating the Postal law (p. 321), and of one John Ward, convicted of introducing liquor (p. 322), and the opinion of the Assistant Attorney-General, John I. Hall, rendered July 16, 1894, in the case of John O. Cobb, et al., v Cherokee Nation (p. 257).

The following certified copies of certain records in the custody of this office were ordered filed with, and made a part of the record in this case, to-wit:- Copy of Act of Cherokee Council approved December 3, 1869 (p. 324) copy of decision rendered by the Ross Commission on Cherokee citizenship, on March 18, 1889, in the cases of Aaron Belew, et al., v Cherokee Nation (p. 327), copy of register of "Lucy Briant", et al., under Treaty of July 8, 1817 with the Cherokee Nation (p. 341), and report of J. T. Adair, Chairman Citizenship Commission, to D. W. Bushhead Principal Chief of the Cherokee Nation, dated Tahlequah, Indian Territory, November 14, 1887 (p. 342).

Several motions, briefs and arguments in behalf of the applicants and the Cherokee Nation are filed herewith and made a part of the record herein (p.p. 111, 118, 147, 152, 345 and 354).

The record further shows that on September 8, 1884, at Tahlequah, Indian Territory, Hannah Flippin and her children filed with the Commission on Cherokee citizenship commonly known as the "Spears Court", their petition praying that they be admitted to citizenship in the Cherokee Nation as descendants of one John Bryant, deceased, who, they alleged, was a Cherokee by blood and at one time a member of the old Cherokee Nation; and that on September 26, 1884, they were admitted by that Court to all the rights of native born Cherokees (p.199); that subsequently, to-wit:- on December 8, 1886, an Act of the Cherokee Council was approved, which provided for the creation of a Commission on Cherokee citizenship with authority to summon before it certain parties, among others, the said Hannah Flippin and family, who, it was charged, had obtained their admission to Cherokee citizenship through fraud and bribery, and required them to show cause why the decree admitting them should not be declared null and void (p.p. 265-270), and that, thereafter, to-wit:- on August 29, 1887, the Commission created by this Act commonly known as the "Adair Court", declared "the decree of the former Commission ("Spears Court") admitting Hannah Flippin et al., to Cherokee citizenship null and void to all intents and purposes (p.272).

Other proceedings relative to the right of Hannah Flippin and her descendants, to Cherokee citizenship, were thereafter had, viz.: Investigation and report by C. C. Duncan, decree of the Dawes Commission under Act of June 10, 1896, and judgments of the United States Court for the Northern District, Indian Territory, and of the Supreme Court of the United States, on appeal ("Exhibits 4, C. and D"), but under the ruling of the Department (I.T.D.1486-05), supra., it is not considered necessary to at this time set them out in detail.

The following points are fully established by the evidence, to-wit:-

- (1) That Hannah Flippin, now deceased, was the granddaughter of one John Bryant, deceased, who for many years prior to his death in 1855, at the age of eighty, lived in Gibson County Tennessee, is the common ancestor of all the other applicants herein, and that none of the applicants in this case possess any Cherokee blood other than such as they may have obtained as descendants of the said John Bryant, deceased?
- (2) That certain of the applicants together with the deceased ancestors of others herein, are identified on the Cherokee pay roll of 1886 ("Exhibit 3" p. 200), but that none of said applicants, except James F. Flippin, who is identified on the Cherokee census roll of 1896 as an intermarried Cherokee citizen, nor any ancestor through

shown by any possibility they might obtain rights to Cherokee citizenship, can be identified on any other roll of the Cherokee Nation in the custody of this office.

In an opinion rendered by the Assistant Attorney-General on October 5, 1905, in the case of Harry Still, Departmental letter of October 18, 1905 (I.T.D. 7658-05, 3208-05), wherein was considered the weight to be given a decree of the Cherokee Supreme Court by the Commissioner to the Five Civilized Tribes, of a matter coming within the jurisdiction of both, respectively, he said, *inter alia*:

"The adjudication of the Supreme Court of the Cherokee Nation, upon the authorities above cited, has therefore the same effect as the adjudication of similar cases by the United States Courts under the act of June 10, 1896 (29 Stat. 321, 339), and is entitled to all the respect of a judicial determination of the facts necessarily determined. When reopened to inquiry upon the facts, such adjudication is to be considered by the Commission as evidence of great cogency, to be followed unless it appear that fraud was practiced upon the court, or that the evidence then before the court, and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong. The Commission should regard itself rather as a court reviewing the case as upon a petition for a new trial than as exercising an original jurisdiction"

In view of the record in this consolidated case which shows that the cases included therein were remanded for the purpose of being readjudicated "upon their merits", together with the ruling of the Department in the case of Harry Still, *supra*., it is considered that, in accordance therewith, two questions are presented to this office for determination, viz:

First: Is it established that the applicants herein possess Cherokee blood? and

Second: Has the action of the Cherokee authorities in dealing with the petition for Cherokee citizenship of Hannah Flippin, et al., been such that the applicants herein are now entitled to Cherokee citizenship irrespective of whether or not they possess Cherokee blood?

In re applicants' Cherokee blood:

The proper disposition of this question depends upon whether or not John Bryant, deceased, possessed Cherokee blood

and all evidence within the reach of this office, bearing upon that point, will be here considered.

Before the Spears Court on September 12, 1884, Aaron Belew (brother of Hannah Flippin), and S. H. Wilburn, in behalf of the petitioners, Hannah Flippin and her eight children, testified as follows:

AARON BELEW: John Bryant was one-fourth Cherokee and three-fourths white. He lived in South Carolina, Union District, and moved from there to Tennessee where he died. In both states he was known and regarded as a Cherokee, and said himself he was part Cherokee.

S. H. WILBURN: I am about 56 or 57 years old and my occupation is farming. I was raised near John Bryant in west Tennessee, Gibson County. I do not recollect that he was recognized as a Cherokee. I was told by my parents he was part Indian. He was so regarded by the neighbors. I do not know that the applicant (Hannah Flippin) is a Cherokee, but have always been taught that John Bryant was part Indian.

The petitioners also filed in support of their claim the ex parte affidavits of J. H. Edwards, A. J. Smith, G. Greer, L. V. Frazier, James I. Walker and G. G. Walker.

J. H. EDWARDS, stated: I knew John Bryant in Gibson County Tennessee. He was from South Carolina. I knew him to be part Cherokee Indian, the same as I knew him to be part white man. He was generally known to be part Cherokee Indian. Subscribed and sworn to on August 2, 1884, before W. A. Williams, Clerk County Court, Montague County, Texas.

A. J. SMITH, G. GREER and L. V. FRAZIER, stated: We know Aaron Belew, Gov. Belew and Hannah Flippin, also knew John Bryant of Gibson County, Tennessee, and knew that the three first named are grandchildren of the said John Bryant. Subscribed and sworn to August 4, 1884, before J. D. Crane, Clerk of Gibson County, Tennessee.

JAMES F. and G. G. WALKER, stated: We knew John Bryant of Gibson County, Tennessee. He was from South Carolina. We, and his neighbors generally, knew him to be part Indian the same as we knew him to be part white man. Subscribed and sworn to July 31, 1884, before Sam J. House, Clerk of the Chancery Court of Tate County Mississippi.

Under the showing above indicated the Spears Court, in its decree rendered on September 20, 1884, admitted the petitioners to all the rights of native Cherokees.

In accordance with a notice dated June 27, 1887, addressed to and served upon J. M. Bryan, Esq., attorney for Hannah Flippin, et al., the depositions of Zach Bryant and George Robinson, of Gibson County, Tennessee, to be used by the Cherokee Nation in the proceedings then pending before the Adair Court in re charges against Hannah Flippin and family, were taken on July 15, 1887.

ZACH BRYANT deposed as follows: I am 67 years old, was born in Union District, South Carolina, and except from 1835 to 1856, have lived in Gibson County, Tennessee for about sixty-two years. "My father was named Zachariah Bryant, but was called Rial Bryant, and was the son of John Bryant. John Bryant had fourteen children. He came to Tennessee from Alabama about 1825, was originally from South Carolina, where he had married, but I don't think he was born there. I don't know who John Bryant's parents were and have no recollection of any of the Bryant families ever having been enrolled as Cherokees or drawing any money as such from Alfred Chapman, Special Agent for the United States Government to make payments to the Cherokee Indians in 1852. About the year 1828 John Bryant went as he said, to the Cherokee Nation, from there to South Carolina, and then back home. In the spring of 1835 I spent several months at his house; he had heard there was liable to be trouble between the United States Government and the Cherokee Indians, and was fearful the Cherokees, who he said were his people, would be wronged. His wife was a white woman, and I have often heard her scold her children and say "You Indians, you Indians". John Bryant was never a citizen of the Cherokee Nation to my knowledge. He came to South Carolina from the Cherokee country, a straggler. I know nothing of J. H. Edwards and if such a man was living in the neighborhood of my grandfather since my day I think I would have known him. There were Edwards's there, but got with that initial that I know of. Subscribed and sworn to July 15, 1887, before J. D. Crane, Clerk of Gibson County Court, Tennessee.

GEORGE W. ROBINSON deposed as follows: I am 57 years old and have lived in Gibson County, Tennessee, during the past fifty-three years. I knew JOHN BRYANT from my boyhood to his death in '55 or '56. I know nothing of his Cherokee blood except from hearsay. My father and mother knew him in South Carolina and I have heard them say there was Cherokee blood in him. I have no knowledge of the father and mother of John Bryant and never knew of John Bryant or any member of his family being enrolled as Cherokees or drawing per capita payments as such. Subscribed and sworn to on July 15th, 1887, before J. D. Crane, Clerk of Gibson County Court, Tennessee.

The ex parte affidavits of one Sampson Browning and the said S. H. Wilburn were filed by the defendants, Hannah Flippin et al. Said affidavits swore as follows:

SAMPSON BROWNING: I am 69 years old, was born and have

lived in the state of South Carolina near the Carroll and Gibson County line since about the year 1835. I have been acquainted with John Bryant and his family for about fifty-two years, and from an undoubted authority the said John Bryant was part Cherokee Indian. I have been personally acquainted with many Cherokee Indians as well as with the said John Bryant, and do not believe that I can be deceived about him being a Cherokee Indian. Subscribed and sworn to on March 14, 1887, before W. J. Heathcock, Notary Public, Gibson County, Tennessee.

S. H. WILKINSON: I am about fifty years old and my postoffice is Pilot Point, Denton County, Texas. I have been personally acquainted with Aaron Belew, brother of Hannah Flippin, for about fifty years, and he has been considered a Cherokee by blood ever since I knew him. Subscribed and sworn to on June 29, 1887, before Ben Moss, J. P. and Ex officio N.P., Precinct No. 2, Denton County, Texas.

Attention is here invited to the testimony of this same witness before the Spears Court on September 12, 1884, wherein he testified that he did not recollect that John Bryant or Hannah Flippin, grandfather and sister of Aaron Belew, were ever recognized as Cherokees. (p. 409, supra.)

For the reason that the two foregoing affidavits were taken and filed contrary to the rules of practice the Adair Court refused to consider them as evidence.

In re charges of bribery and fraud investigated by the Adair Court, A. L. Baird, Jesse Cochran, William Shellenberger, Thomas Bravert, John Ward, John M. Taylor, E. C. Boudinot Jr., C. H. Taylor and John C. Harnage testified in behalf of the Cherokee Nation, and Hannah, M. J. and J. C. Flippin, testified in behalf of the defendants, but as their testimony is not relevant to applicants' Cherokee blood it will not be considered at this time.

On August 29, 1887, the Adair Court found that the charges of bribery and fraud made against Hannah Flippin and family in procuring admission to Cherokee citizenship had been established, and declared the decree of the Spears Court "admitting Hannah Flippin et al., to Cherokee citizenship null and void to all intents and purposes". (p. 272).

Subsequently there was filed with the Commissioner of Indian Affairs and the Department, numerous letters from the several applicants, protesting against the decision of the Adair Court, supra., which resulted in the dispatch of one C. C. Duncan to the Cherokee Nation for the purpose of investigating the rights of the Flippins to Cherokee citizenship, but as his investigation and report dated July 29, 1892, did not embrace the question of applicant's Cherokee blood, and for other reasons below indicated, the proceedings had before him will not be discussed in detail.

Under the act of June 10, 1896 (29 Stat., 321), those

applicants herein in being at that time filed with the Dawes Commission their petition for Cherokee citizenship, and in support thereof submitted in proof of their Cherokee blood the ex-parte affidavit of one D. J. Eddleman, who stated: I am sixty-two years old and have known Mrs. Hannah Flippin since 1858 (the year she removed from Tennessee to Texas) and have always understood she possessed Cherokee blood and such was the understanding of her neighbors in Denton County, Texas. Subscribed and sworn to August 11, 1896, before Pearl Eddleman, N.P. (p.219).

The affidavits of the petitioners and copies of the proceedings had before the Spears and Adair Courts, and before C. C. Duncan were also filed with the Dawes Commission by the respective parties to said proceedings.

From the decision of the Dawes Commission an appeal was taken to the United States Court, Northern District, Indian Territory, and in an opinion rendered by that Court on 1897, all of said petitioners were denied the right to Cherokee citizenship, from which an appeal was taken to the Supreme Court of the United States on the ground that certain Acts of Congress conferring jurisdiction on the United States Courts to review questions of citizenship formerly passed upon by the tribal authorities and the Dawes Commission were unconstitutional, but that Court declared the Acts constitutional and affirmed the decision of the lower Court. Stephens v Cherokee Nation et al. (No. 557 Flippin et al. v Same) 43 L. Ed. 1041.

Subsequent to the decision of the Adair Court (August 29, 1887) supra., there was filed with said Court, presumably by the applicants, the ex-parte affidavit of the said Zach Bryant who swore, in part, as follows: "The said John Bryant was borned in the Cherokee Nation now known as the State of Georgia,..... he was part Cherokee Indian." Subscribed and sworn to September 5th. 1887, before N. G. Heathcock, N.P. Gibson County, Tennessee (p.212).

On October 5, 1887, there was filed with the Cherokee Commission on Citizenship the petitions of Giles D. Belew et al., Aaron Belew et al., Brinkley Bryant et al., William C. Bryant, et al., Giles H. Bryant et al., George W. Bryant et al., Charles Bryant et al., Mary C. Bryant et al., David Boyd Bryant et al., Zach Bryant et al., and Governor Belew et al., including in all fifty-four persons, praying that they be admitted to Cherokee citizenship as descendants of the said John Bryant, deceased, of Gibson County, Tennessee (p.p. 327-340 incl.)

In these cases it was alleged that John Bryant was either the son or brother of one Lucy Bryant (Briant) and that the said Lucy Bryant (Briant) was a member of the old Cherokee Nation residing alone at a place called "Chu-nan-nee, on the Georgia side" and in 1830 appeared to be about seventy years old. (In this connection attention is invited to Exhibit p. 341)

On March 18, 1889, the Commission denied these petitioners the rights of Cherokee citizenship on the ground that the evidence

introduced failed to establish that John Bryant, deceased, was possessed of Cherokee blood, or that he was born within the limits of the old Cherokee Nation or at any time resided or affiliated with the Cherokee tribe of Indians, and further declared that said applicant were intruders in the Cherokee Nation (p.p. 330 and 331).

The foregoing is all the evidence introduced by Hannah Flippin et al., and the Cherokee Nation, before the Cherokee Citizenship Commissions or Courts the Dawes Commission and the United States Courts, relative to the Cherokee blood of the said John Bryant deceased.

It is shown conclusively that John Bryant died in Bigsaw County, Tennessee about 1866, and that at his death he was at least eighty years old, hence he must have been born about 1775, but neither the place of his birth, nor the name of either of his parents, is established.

In his deposition taken on July 18, 1887, Zach Bryant deposed, in part, as follows: "John Bryant came to Tennessee from Alabama, but was originally from South Carolina . . . but I don't think he was born in South Carolina." In an affidavit sworn to on September 5, 1887, the said Zach Bryant swore, in part, as follows: "John Bryant was borned in the Cherokee Nation now known as the State of Georgia. Nothing further can be gleaned from the record as to the birthplace of John Bryant, and for the reason, to-wit: That said deponent first testified that he did not know where John Bryant was born, and later made affidavit that he was born in the old Cherokee Nation, in addition to the fact that in the latter instance said affiant was swearing to a matter that occurred thirty-five years before he was born, it is respectfully submitted that the birthplace of John Bryant is not established, nor any evidence adduced from which it can be inferred that his birthplace was in the old Cherokee nation.

In her petition filed with the Spears Court the applicant, Hannah Flippin, alleged, and her brother, Aaron Belaw testified, that their grandfather, John Bryant, was possessed of one-fourth Cherokee blood and three-fourths white blood. This would indicate, if true, either that John Bryant's white ancestry intermarried with the Cherokees during the second generation before him, or that both his parents were of the one-half blood, which would also carry the intermixture of his blood back to the second generation of his ancestry, or to about the year 1750, a date at which it was neither popular nor customary for the whites and Indians to intermarry. Consequently the allegation that John Bryant was of one-quarter Cherokee blood raises a doubt that necessarily militates against such claim; and would have to be overcome by affirmative evidence. It is not intended to assert that the two ways above indicated are those only by which a descendant could obtain such quantum of Cherokee blood, but if derived otherwise it would necessarily carry the intermixture

of the two bloods back to a more distant generation, and in the case under discussion make the doubt as to John Bryant's Cherokee blood the stronger.

No particular import can be attached to the allegations of relatives that at one time John Bryant lived in Union District South Carolina, subsequently in Alabama, and later moved to Western Tennessee, except that, in each instance, he became further removed from the Cherokee Indians, the tribe of which it is now claimed he was a member by blood.

It is satisfactorily established that John Bryant lived in Gibson County, Tennessee, from 1828 till his death in 1858, a period of thirty years. His grandson, Zach Bryant, testifies that in the spring of 1835 "He said the Cherokee Indians were his people", but neither this witness nor any of the others introduced, some of whom had been intimately associated with John Bryant, for years, were able to give the name of either one of his parents, or how he derived his Cherokee blood. Several state they knew him to be part Indian the same as they knew him to be part white man; some that they knew him to be part Cherokee Indian the same as they knew him to be part white man, while one (S. H. Wilburn) states that he does not recollect that he was recognized as a Cherokee, but had "been taught that John Bryant was part Indian".

In further support of their right to Cherokee citizenship, Hannah Flippin et al., filed with the Adair Commission, on August 22, 1887, a notice calling the Commission's attention to a reservation made under Article 8, treaty of July 8, 1817, to one "Lucy Briant" who, they alleged, was the daughter of John Bryant.

Subsequently, before the Ross Commission of Citizenship in the cases of Aaron Belcher et al., supra, the petitioners attempted to prove that this same reservee was either the mother or the sister of the said John Bryant.

In connection with these allegations attention is invited to a certified copy of the reservation made to one Lucy Briant (p. 342).

Section 8, treaty of July 8, 1817, reads, in part as follows:

"And to each and every head of any Indian family residing on the east side of the Mississippi river, on the lands that are now, or may hereafter be surrendered to the United States, who may wish to become citizens of the United States, the United States do agree to give a reservation of 640 acres of land, in a square, to include their improvements, which are to be as near the centre thereof as practicable, in which they will have a life estate, with a reversion in fee simple to their children, reserving to the widow her dower, etc." Indian Affairs Laws & Treaties, p. 99, Kappler edition.

Recurring to the certified copy of reservation, supra, it will be seen that on May 20, 1818, Lucy Briant was a widow whose

family numbered seven. In view of the provisions of Section 8, supra., it would seem most probable that this family was composed of the mother and six children, that the children were all under age, and that the name "Briant" was the name acquired by her marriage to her husband, since deceased.

Referring to the deposition of Zach Bryant it will be seen that the said John Bryant had fourteen children among them a daughter named "Lucy". Whether or not she married does not appear, but this deponent asserts that she "left no heirs" and from his testimony it is inferred that this daughter was born, lived and died in Gibson County, Tennessee. Besides, it is highly improbable that in 1818 John Bryant, who himself was born about 1775, could have had a daughter and six grandchildren living on Chu-nan-nee river, Georgia, in the old Cherokee Nation.

If the above theory is correct, and it is submitted that it is the most probable, than it would further appear that the reservee, Lucy Briant, was not old enough to be the mother of John Bryant. In addition, the fact that one set of John Bryant's descendants claim that the said Lucy Briant was his daughter and another that she was either his mother or his sister is, in itself, sufficient to destroy the probability of their claims. If she had been related to John Bryant in any one of the three ways alleged, it was a matter capable of positive proof, which should have been produced by the applicants, otherwise both claims fail.

In 1835, for the purpose of determining, among other things, the number of Cherokees living east of the Mississippi river, the United States Government made a roll enumerating all such Indians, a certified copy of which is in the custody of this office.

The territory of the Cherokees was divided into districts and the work of taking the census apportioned among five men. The roll, as prepared, is arranged under the following heads, viz:

"Census of Cherokees in the limits of Tennessee in 1835 as taken by Daniel Henderson, Esq." (Roll pp. 1 to 10, inclusive.)

"Census of Cherokees in the limits of Alabama in 1835 as taken by Rezin Rawlings, Esq." (Ib. pp. 12 to 17 inclusive).

"Census of Cherokees in the limits of North Carolina in 1835, as taken by Nathaniel Smith." (Ib. pp. 19 to 33 inclusive).

"Census of Cherokees in the limits of Georgia in 1835, as taken by C. H. Nelson, Esq." (Ib. pp. 35 to 49 inclusive), and by George H. Underwood, Esq. (Ib. pp. 48 to 66 inclusive).

Following the list made by each census taker is a certificate which reads as follows:

"I do hereby certify upon honor that the foregoing is a correct census of the Cherokees residing in the limits (as to Alabama, "Chartered limits") of Tennessee,

North Carolina, Alabama and Georgia, composing the District assigned by the Superintendent of Cherokee removals, and that the other items of information, under their appropriate heads are as correctly stated as practicable without a precise and thorough examination of each subject, respectively."

After a careful examination of this roll the name "Bryant" can not be identified thereon.

Under authority of Section 4, Act of Congress approved July 29, 1848, a roll giving the names and number of the Cherokees who remained in the state of North Carolina after the treaty of New Echota (December 29, 1835), was made. This roll was prepared by Special Agent J. C. Mulley, and is commonly known as the "Mulley Roll" (a certified copy of the same is now in the custody of this office,) but after a careful examination of the 1517 names of persons enumerated thereon, and of many of the ancestors living and deceased of the persons so enumerated, some of whom were traced to Georgia, others to Arkansas, and many to the Indian Territory, the name "Bryant" can not be identified thereon.

In 1851 a census of the Cherokees living east of the Mississippi river was taken by Special Agent D. W. Siler. The roll prepared in conformity with this census is commonly known as the "Siler Roll" and was made preliminary to the payment of a large amount of money to those Cherokees residing east of the river. A certified copy of this roll is now in the custody of this office. The names of 2345 Cherokee claimants appear thereon the first 1961 of whom resided within the limits of the old Nation in the states of North Carolina, Tennessee, Alabama and Georgia. A majority of the others resided within the limits of said states, some as far north as Nashville, Tennessee, but in some instances the census taker, having heard of Cherokees who had removed from the old Nation, traced them to northern Kentucky, Arkansas, California, and to remote districts of the four states first above named. An examination of this roll indicates that the maker thereof must have been very painstaking in running down all clues that would locate Cherokees entitled to be placed thereon, but such examination fails to disclose the name "Bryant" so enrolled or in any way referred to.

In his letter submitting this census to the Commissioner of Indian Affairs. Mr. Siler comments on the scattered condition of the Cherokees, and adds: "I think, however, very few indeed, have been omitted (from the roll) if there are any".

Under Acts of Congress approved September 30, 1850, and February 27, 1851 (9 Stat. 551 and 574), making appropriation of a large amount of money to the Cherokee Indians residing east of the Mississippi River, a roll of those entitled to share in the per capita payments of \$92.73 a head, was made by one Alfred Chapman. This roll includes the names of 2133 persons residing in the states of North Carolina, Tennessee, Alabama, Georgia and Kentucky, and in Washington D. C., to whom

payments were made amounting in all to \$193,253.09, but after a careful examination the name Bryant can not be identified thereon.

When the 1851 and 1852 rolls were made John Bryant and many of his descendants were living within the limits of the state of Tennessee. They knew that a large amount of money was being paid to those Cherokees east of the Mississippi river by one Alfred Chapman (see deposition of Zach Bryant, p. 213) and that several thousand dollars of this money would have been their share had they been able to establish their Cherokee blood, but it is not recorded that they ever made an attempt to secure *that* *which* ~~what~~ it is now claimed they were entitled to.

It is also worthy of note that from the earliest period of which we have any authentic record of this family, till the year 1865, their migrations have always been away from the Cherokee people. This was particularly noticeable in 1858 when, while living less than three hundred and twenty-five miles from the country of the Western Cherokees, and about the same distance from the Eastern band, they passed the Cherokee Nation (Indian Territory), and traveled over five hundred miles to reach Denton, County Texas.

In reaction of Cherokee authorities in dealing with the petition for Cherokee citizenship of Hannah Flippin et al.

An Act of the Cherokee Council approved November 28, 1879, made provision for, inter alia, the creation of a special commission to be designated "The Commission on Citizenship."

The first commission sitting under authority of this Act was composed of George Young, William Harnage, and C. W. Hayes, which held regular terms during the period beginning January 5, 1880 and ending October 3, 1881, which was followed by the Commission commonly known as the "Tehee Court", composed of Thomas Tehee, Alex Wolfe and S. T. Thompson, which sat in turn time from January 30, 1882 till September 27, 1883, and in turn, was succeeded by the Commission commonly known as the "Spears Court", composed of Eli Spears, John Lee and Andrew Young, alias Snake. Puppy, which held regular terms during the interval commencing January 1, 1884 and ending September 26, 1884.

The Act of Cherokee Council, supra., reads, in part, as follows:

"The Commission on Citizenship may admit as evidence in any of the cases herein named, the oral testimony of witnesses under oath, the decisions records or other papers or certified copies thereof in the Clerk's office of the National Council or of the Supreme Court of the Cherokee Nation, duly authenticated, pertaining to any case brought before it under this Act, and shall give such weight in making up their judgment thereon as they may deem it entitled to." (p.325)

In conformity with this provision said citizenship Commission on February 1, 1882, adopted, among others, the following rule of practice, viz:-

"9. All witnesses giving testimony will be required to appear in person and make their statements in open court. The deposition, or affidavits, of witnesses taken out of court will not be accepted as competent evidence in any case." Docket Cherokee Citizenship Commission.

The only witness¹⁰ appearing before the Spears Court in behalf of the applicants were Hannah Flippin's brother, Aaron Belaw, and one S. H. Wilburn, a relative. The ex parte affidavits filed with the Spears Commission by the applicants are not only intrinsically valueless on the question at issue, as an examination of them will show, and should not have been admitted under the most liberal construction of the rules of evidence, but, in fact, were admitted in open violation of the Act creating said Commission, and directly contrary to the rule of procedure adopted by the court which declared that such instruments would "not be accepted as competent evidence in any case." Hence the only competent evidence before the Commission was the testimony of the witnesses Aaron Belaw and S. H. Wilburn, to which attention is respectfully invited. (pp. 228, 229)

In a brief filed in this case by the attorney for the applicants, he says "The Spears Commission had before it the following testimony: The deposition of Zach Bryant, who testified, etc".- This is clearly error, as the deposition of Zach Bryant was not taken till nearly three years after the Spears Commission rendered its decision.

The record further shows that at the close of the proceedings before the Spears Court, the attorney for the Cherokee Nation, J. E. Smith, not having cross-examined the two witnesses introduced, remarked "There was very little testimony in the case, but it was all to the point. That woman (Hannah Flippin) is a Cherokee and I am not going to argue the case." The position assumed by the Nation's attorney, in view of the showing made by the applicants, and his oath of office prescribed by the Act creating the Commission (p. 324), was a most flagrant breach of duty and in effect amounted to a non-feasance of office. For comments on like conduct see opinion of the Assistant Attorney General rendered in the Coleman case, on March 10, 1906 (I. T. D. 9871-05).

What the motive was that prompted the Spears Court to admit the ex-parte affidavits of persons residing in Texas and Tennessee, wholly incompetent from any point they may be considered, and enter a decree admitting applicants to Cherokee citizenship under the meager, unsatisfactory, and conflicting testimony of interested parties, or the motive that prompted the Nation's Attorney to wholly disregard his duty in the premises, is not

necessary to consider here, and can be dismissed with the remark that the inducing motive in each instance was certainly not due to any meritorious showing made by the applicants of their Cherokee blood. That the evidence before the Spears Court was not sufficient to sustain a decree admitting Hannah Flippin and her children to Cherokee citizenship, is obvious, and under authority of the ruling of the Department in the Harry Still case, supra., this office is of the opinion that said decree should have been, as it later was, set aside and held for naught.

The authority of the Cherokee Council to pass the Acts of November 21, 1879, and December 8, 1886, supra., or the jurisdiction of the Spears Court over said parties, is not questioned,

but objection is made that the Adair Court did not obtain jurisdiction of the Flippin family and if it did it subsequently lost the same, hence its judgment setting aside the decree of the Spears Court was null and void.

Section 18 of the Act of December 8, 1886, authorized the investigation of the charges of fraud made against, among others, Hannah Flippin and family, in procuring admission to Cherokee citizenship and in pursuance of this authority the following proceedings relative thereto were had before the Adair Court.

On April 21, 1887, in answer to the summons theretofore issued by said Court, Hannah Flippin et al., appeared and the following proceedings were had, to-wit: Two answers filed, one by Hannah Flippin and her children and one by Hannah Flippin and children by their attorney, J. M. Bryant, also argument of J. M. Bryant.

On the dates below mentioned further proceedings were had in this case as indicated, namely:

May 5, 1887, notice duly served on attorney for applicants that the Cherokee Nation would attempt to show that John Bryant was not of Cherokee blood.

May 20, 1887, notice from R. F. Wyley to J. M. Bryant, attorney for applicants, that on May 23, 1887, the Cherokee Nation would ask for a continuance in the Flippin case.

May 23, 1887, motion to dismiss the case for want of jurisdiction filed by attorney for applicants. Motion for continuance filed.

June 27, 1887, notice served on attorney for applicants that on July 13, 14 and 15, 1887, the Cherokee Nation would take the depositions of certain persons residing in Gibson County Tennessee.

depositions of Zach Bryant and G. W. Robinson taken on July 15, 1887, at Trenton, Gibson County, Tennessee, filed by the Cherokee Nation.

August 18, 1887, Motion filed by J. M. Bryant praying that the Court receive no hearsay testimony in the Flippin case. Overruled.

August 18, 20 and 23, 1887, testimony of ten witnesses taken in behalf of the Cherokee Nation, all of whom were cross-examined.

August 20, 1887, affidavit as to good character of Eli Spears filed by the defendants.

August 22, 1887, Request filed by J. L. Bryan asking for certified copies of all proceedings had in case to date and Notice calling the Court's attention to one Lucy Bryant, a reservee under the treaty of 1817, who it was claimed, was the daughter of John Bryant.

testimony of John P. Wernage taken by Cherokee Council.

Brief filed by attorney for applicants in which he discussed in detail the depositions and testimony of witnesses introduced by the Cherokee Nation, also the evidence introduced by the defendants.

August 23, 1887, second brief filed by attorney for applicants in which the unconstitutionality of Section 18 Act of Cherokee Council approved December 8, 1828, is alleged and the depositions and testimony of witnesses for Cherokee Nation recited and discussed fully, to which was added "Evidence closed by the Nation" and then a summary of the evidence introduced by the defendants set out in full.

August 25, 1887, Court rendered its decision in the case. Thereafter the Commission received a letter from Hannah Flippin and her children (written by her attorney) dated September 25, 1887, requesting the Commission to advise what disposition had been made of their case and if disposed of the date of decision, whether its finding was for or against defendants and if against them that a copy of the Commission's opinion be forwarded to them.

Subsequently Mr. Bryan filed with the Interior Department a protest against the decision of the Adair Court which declared the Flippin family to be intruders on the Cherokee domain and nearly five years later, after much correspondence between the Flippins, their attorney, and the Department, Mr. Duncan was dispatched to the Cherokee Nation to investigate and report.

The proceedings before the Adair Court have been set out in full in order that the contentions of applicants may be more fully explained.

It is contended on behalf of applicants that if the Adair Court ever had jurisdiction of the Flippins it was lost in two ways, to-wit:

(1) "In proceeding to judgment while there was in the record a motion to dismiss the case for want of jurisdiction of the Commission. This motion was endorsed on the back: 'No action of this motion by Commission', and this endorsement dated and signed by the Clerk of the Commission". p. 356.

(2) That on May 23, 1887, the Commission continued the case until such time as should be agreed upon

by the attorneys in said case, and that there is nothing in the record to indicate that any time was ever agreed upon by said attorneys, p. 357".

From an examination of the record of proceedings had before the Commission on May 23, 1887, it can not be ascertained in what order they were had, but whatever may have been the order it is apparent that the final ruling of the Court was that the case should be continued. This, in effect, overruled applicants' motion to dismiss the case, and that the applicants so understood it is apparent from subsequent proceedings. An entry on the Court's docket (p. 167), undated, in the Clerk's handwriting, reads as follows: "Case called and continued until August 18th, 1887", and that the applicants understood their case was continued till that date is also apparent from subsequent events.

The endorsement on back of motion referred to by applicants is written in pencil, and was evidently made by one of the attorneys representing the Flippin before the Daves Commission in 1890. That it was not made by any member of the Adair Commission is evident from a comparison of the handwriting, and the assertion that this endorsement is dated and signed by the Clerk of the Commission is manifestly error, as the most casual examination will show. There is this endorsement, however, stamped on said motion, to-wit: "Filed Feb'y 23, 1897, Jas. A. Winston, Clerk." This was the filing stamp of the clerk of the U. S. District Court, Northern District, Indian Territory, evidently placed thereon when the case came before that Court on appeal. The following also appears thereon, viz: "This motion should be dismissed the case." Mr. J. E. Bryan, attorney for applicants, before the Adair Court was the author of this endorsement--likewise of many others found on papers filed in the case in which he gave vent to not only his legal opinion but quite often to his feelings in the matter.

In support of the second reason advanced to show that the Adair Court lost jurisdiction of the Flippin case, Attorney for applicants says: "There is from this time (May 23, 1887) forward no appearance of any attorney for the applicants before the Commission and the presumption is that this Commission simply passed upon the case without any notice to Hannah Flippin or her children or their attorney of record." (p. 357). Again applicants' allegations are contradicted by the record. The Court's docket shows that at some stage of the proceedings, date unknown, the case was continued till August 18, 1887, and the record shows that on that date Mr. Bryan appeared before the Court and filed a motion requesting that no hearsay testimony be received as evidence in said case, that it is reasonable to presume that it was he who cross-examined the ten witnesses introduced by the Cherokee Nation on August 19, 20, and 23, 1887. This presumption

is strengthened by the fact that subsequent to the introduction of these witnesses and prior to the Court's decision, the attorney for applicants filed briefs and arguments in which he discussed fully all proceedings had to date in the case.

An examination of the brief and argument filed by Mr. Bryan indicates that he considered the case closed and ready for a decision. This theory is also strengthened by the fact that under date of September 20, 1887, in a letter (Mr. Bryan's handwriting) signed "Hannah Flippin for herself and children, J. B. Bryan; Attorney for Flippins," the Commission was requested to advise the applicants whether or not a decision had been rendered in their case, and if so, was it favorable or unfavorable.

In view of the record of proceedings had before the Adair Court in the Flippin case it is believed that the Court obtained jurisdiction of the parties thereto and retained the same until its decision was rendered on August 29, 1887, and that said decision was rendered after both sides had closed their case. It is not considered that the validity of said decision is affected by the fact that the parties were not present in Court when it was rendered.

With reference to the Duncan report, two objections can be made, to-wit:-

First: It is not in harmony with the facts, in this, namely, it wholly misrepresents the proceedings had before the Adair Court; and

Second: Mr. Duncan had no authority to determine or pass upon matters he presumed to adjudicate and report to the Department from Vinita, on July 29, 1892, and the Assistant Attorney General so ruled in his opinion rendered on July 16, 1894, in the case of John O. Cobb et al. v. the Cherokee Nation (p. 257).

Mr. Duncan in his report says that the Adair Court had no regular terms. That said Court had regular terms attention is invited to Section 8 of the Act creating it (p. 267), and to the report of J. T. Adair, Chairman, under date of November 14, 1887, (p. 342). He further says in his report that the applicants were not represented when the case was tried. That this is clearly error see record of proceedings had before said Court supra.

Without setting out in full or discussing the evidence introduced before the Adair Court in the Flippin case it is considered, after a careful examination of the same, that it was sufficient to warrant the decision rendered, and under the ruling of the Department in the case of Harry Still, supra., and Richard B. Coleman et al. (I.T.D. 12436-04 and 4220-06), said decision should be affirmed by this office. It is not considered that the proceedings had before the Commission to the Five Civilized Tribes on May 25, 1905, are sufficient to impeach the testimony of certain witnesses appearing before the Adair Court in 1887, or to affect the decision rendered by that Court in the

Flippin case.

It is further shown that the applicant, Hannah Flippin, died prior to September 1, 1902.

FILED IN DEPT. OF INTERIOR: It is considered that the evidence in this case fails to show that the said John Bryant, deceased, was possessed of Cherokee blood, or ever was a citizen of the old Cherokee Nation, or that the applicants herein possess any rights to enrollment as citizens by blood of the Cherokee Nation other than as his descendants, hence the applications for their enrollment as such citizens come within the rulings of the Department in the cases of Eliza Bryant et al. (I. T. D. 544-04), William Rector, (I. T. D. 1486-04), Minnie Duncan et al. (I. T. D. 1470-04), Samantha Chambers (I. T. D. 2298-04), Ed Williams (I. T. D. 4230-04), Jane Looney et al (I. T. D. 3410- 12686-04), Florence Bratcher (I. T. D. 12692-04) Moses Ross (I. T. D. 3053-04) and Frankie Grinnett (I. T. D. 17902-1905).

And that the evidence shows that on September 28, 1884, Hannah Flippin and her children were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof; that in 1888 certain of them were duly enrolled as such citizens; and that on August 29, 1887, they were legally deprived of their Cherokee citizenship and have not since acquired citizenship in said Nation. *Holt v. Turner*, 42 U. S. 442.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 26, 1898 (30 Stat., 495), Flada, Lunay, Sam Goode and Georgia McGlasson, Tennessee Ficklin, Agnes Dorsey, Samuel Eugene, Mary and Leo Mary Ficklin, Mary Jane, Coheechee or Baby and Charlie Skinner, Lula, Mina, Frances, Nettie and Helen Freeman, Sophy, N. Harrison and Charlie Oliver Bethell, Jennie Ellis, Bella Z., Lon F., Andy Houston, Hilton C. Jr., and Corwin Blaine, Bowers, Berna E. Roswell, James F. and William T. Flippin, Nettie B., Callie, Dixie, Katie, Sugg, Blanche and Clara Dirickson, Alice B., Samuel Reed, Thomas J. and Alice May Tanner, James H. Flippin and Maud Crutchfield, Gladys Roswell, Bessie McGlasson, Clarence E. and Dez Ellis, Theodore and Bertha Brickston, Jay P., John P., Edna and Bertha Diamond, Emmett and Leber Skinner and James C. Flippin Jr., are not entitled by virtue of either claim considered in this decision to enrollment as citizens of the Cherokee Nation, and their applications for enrollment as such are accordingly denied. And that, under the provisions of Section Twenty-five of an Act of Congress approved July 1, 1902 (32 Stat., 716), the application for the enrollment of Hannah Flippin should be, and the same is, hereby dismissed.

(SIGNED).

Tame Dixie
Commissioner.

Dated at Muskogee, Indian Territory,
JAN 10 1907
this _____

DEPARTMENT OF THE INTERIOR.

APR 10 - 1905

Returned with No. 356

Inclosure 50 IND. TEL. DIV.

CH. 1. 7-107.

COPY.

Muskogee, Indian Territory, May 27, 1908.

James L. Whippin,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of my commission to the Five Civilized Tribes in the matter of the application for the enrollment of James L. Whippin as a citizen by blood of the Cherokee Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the commission is informed of the same.

Very respectfully,

(SIGNED)

Tamo Dixby.

Acting Chairman.

Encl. C-30.

Muskogee, Indian Territory, May 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of James H. Flippin for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission dated May 27, 1902, refusing the application for the enrollment of said person as a citizen of the Cherokee Nation.

Very respectfully,

Acting Chairman.

Encl. R-507.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R-597.

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James H. Flippin as a citizen by blood of the Cherokee Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Acting Chairman.

Encl. C-6.

COPY.

Refer in reply to the following:

Land
31848-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, June 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir: There is transmitted herewith a report made May 27, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes forwarding for the Department's consideration the record relative to the application of James H. Flippin for the enrollment of himself and his wife, Ella May Raper, as citizens of the Cherokee Nation

The record in this case shows that James H. Flippin was married on October 23, 1898 to his wife Etta May Flippin, nee Raper, which said marriage was subsequent to the approval of the act of the National Council of the Cherokee Nation of December 16, 1895, which declared that non-citizens ~~may~~ intermarrying with Cherokees subsequent to that date should not acquire any rights in the lands of the tribe by such marriage.

It is also shown in the record that James H. Flippin applied to the Commission in 1896 for citizenship in said tribe; that his application was denied; that he took an appeal from the decision of the Commission to the United States court for the northern district of the Indian Territory, and that the court sustained the decision of the Commission denying his application.

The Commission, on May 27, 1902, decided that James H. Flippin was not entitled to enrollment as a citizen of the Cherokee Nation.

The office believes that the Commission's decision is correct and respectfully recommends that it be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

COPY.

F.

D.C.10954-1902.
I.T.D.3579-1902.

L.R. .

DEPARTMENT OF THE INTERIOR.

Washington, June 27, 1902.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:-

May 27, 1902, you transmitted the record in the matter of the application for enrollment of James H. Flippin as a citizen of the Cherokee Nation.

It appears from the testimony and your decision that on November 24, 1896, your Commission denied his application for enrollment as a Cherokee, and, upon appeal being taken, the United States Court affirmed your decision; that on October 23, 1898, said Flippin was married to Ella May Raper, who, you state, will be listed for enrollment as a Cherokee by blood, which marriage was subsequent to the act of the Cherokee Nation approved December 16, 1895, providing that noncitizens marrying Cherokees after the passage of the act should acquire by such marriage "no rights of property, lands or money" belonging to said nation. You decided that he is not entitled to be enrolled as a Cherokee citizen.

The Acting Commissioner in letter of June 6, 1902, recommends that your decision be approved.

The Department affirms said decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

1 inclosure.

(Signed) F. L. CAMPBELL,
Acting Secretary. EMD.

Cherokee R-537.

Muskogee, Indian Territory, July 12, 1902.

James H. Flippin,
Claremore, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date May 27, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 27th day of June, 1902.

Respectfully,

Acting Chairman.

Register.

COMMISSIONER
HENRY L. DAWSON
TAM. HIN.
TO THE CHIEF OF BUREAU
R. B. H. H. H.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R-597.

ADDRESS ONLY, THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 12, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date May 27, 1902, rejecting the application of James H. Flippin for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 27th day of June, 1902.

Respectfully,

Acting Chairman.

M.D.G.

COPY OF LETTER OF
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M.D.R.

Muskogee, Indian Territory, July 13, 1904.

William Henry White,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Dear Sir:

The Commission is in receipt of your letter of June 22, stating that you are in possession of a certified copy of the record of a Cherokee Commission on Citizenship, which shows that Hannah Flippin and others were admitted to citizenship in the Cherokee Nation on September 23, 1884. You then give the names of twenty-eight persons and ask to be advised if these names appear upon the Cherokee tribal rolls in possession of this Commission, particularly the 1886 rolls.

Following is a list of the persons mentioned by you whose names have been identified upon the 1886 Cherokee tribal roll, Cooweescoowee district, together with the numbers opposite which they appear and their ages, as given on that roll:

| | | |
|---|------------------|--------------|
| No. 22 | Flippin, Hannah | Age 50 years |
| Note: "Was admitted by Act of Council in 1884." | | |
| No. 102 | Flippin, John C. | " 40 " |
| " " | " Alice B. | " 18 " |
| " " | " J. F. | " 16 " |
| " " | " Maude | " 13 " |
| " " | " J. E. | " 9 " |
| " " | " J. C. Jr. | " 8 " |
| " " | " Samuel J. | " 9 months |
| " " 23 | Skinner, S. H. | "White" |

| | | | | | |
|---|---------|------------------|-----|------------------|------------------|
| Mary Jane Flippin) | No. 23 | Skinner, M.J. | Age | 42 Years. | (Formerly |
| | No. 23 | " Charles | " | 24 | " |
| | " " | " Sofae | " | 22 | " (Now Bethel) |
| | " " | Bethel, Harrison | " | 1 | " |
| | " " | Skinner, Fleety | " | 20 | " (Now McGlasson |
| | " " | " Lula | " | 17 | " |
| | " " | " Ermit | " | 14 | " |
| | " " | " Heber | " | 12 | " |
| | " " | " Jennie | " | 7 | " |
| | " " | " Coluchee | " | 1 | " |
| Note: "Number of names enrolled on certificate ten (10)." | | | | | |
| | No. 83 | Bethel, George | Age | 21 Years. | |
| | " 210 | Bowers, M. C. | " | "White." | |
| | " " | " B. L. | " | " No age given." | (Formerly |
| Hattie E. Flippin) | | | | | |
| | No. 210 | Bowers, Lon F. | Age | 6 Years. | |
| | " " | " Berne | " | 4 | " |
| | " " | " Andy H. | " | 10 Months | |

You are advised that the names of Gladys Boswell, Mit C. Bowers and Carwin B. Bowers mentioned in your letter cannot be identified upon the 1886 roll.

1890, 1894 and 1896 Cherokee tribal rolls in possession of this Commission have been examined for the names of the persons inquired about and they cannot be identified thereon.

Respectfully,

F. M. BABY

Chairman.

J.W.N.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

ILJB

D.C. 19733-1903.
I.T.D. 710, 969, 1033,
2637, 2638, 2682,
2684, 3576, 4004,
4110, 5191, 7901-1902
1486, 3566-1903.
I.R.S.

April 12, 1905.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

April 6, 1905, the Indian Office transmitted a Communication dated March 8, 1905, from William Henry White, attorney at law, of this city, transmitting motions for review and rehearing in certain Cherokee cases, wherein the applicants claim enrollment as citizens by blood of the Cherokee Nation. The names of the principal applicants, their file numbers, and the date of departmental action concerning each appear as follows:

| Name. | File No. | Date. |
|---|------------------|---------------|
| Hannah Flippin et al. | I.T.D. 2682-1902 | May 12, 1902. |
| Fleda McGlasson et al. | " 696- " | Feb. 7, " |
| Tennessee Picklin et al. | " 5191- " | Aug. 29, " |
| Jennie Ellis | " 710- " | Feb. 7, " |
| Nettie B. Derickson et al. | " 2638- " | May 12, " |
| Mary Jane Skinner et al. | " 2684 " | May 12, " |
| Mary I. Flippin for
William T. Flippin | " 2637- " | May 12, " |
| Lula Freeman et al. | " 7901- " | Jan. 5, 1903 |
| Alice B. Tanner et al. | " 4110- " | July 28, 1902 |
| James H. Flippin | " 3579- " | June 27, " |
| James F. Flippin | " 4004- " | July 2, " |

It appears that the principal applicants in the above entitled cases were denied enrollment under the act of June 10, 1896 (29 Stat., 321), either by the Commission to the Five Civilized Tribes, or by the United States Court on appeal, or by both.

Subsequently, by virtue of the Act of June 28, 1898, (30 Stat., 495), your Commission refused to enroll said applicants, basing its decision in some cases because of prior rejection by the said Commission or by the United States court, and in other cases for the further reason that your Commission deemed itself without jurisdiction in the matter in view of the act of May 31, 1900 (31 Stat., 221). These decisions, denying said applicants enrollment as Cherokees by blood, were affirmed by the Department. In one case, however, that of James T. Flipin, the right of enrollment by intermarriage was granted both by your Commission and by the Department. Inasmuch as he has been recognized by the tribal authorities as a citizen by blood, action will be taken herein concerning his request to present further testimony in support of such claim.

Upon further examination it appears that certain of the above-named applicants were admitted to Cherokee citizenship September 26, 1884, by the Spears Commission, and two years later were enrolled upon the 1886 tribal roll. Others of the applicants were admitted by said Commission in 1884, but their names do not appear on the 1886 roll. Such admission, however, was the legal

equivalent of enrollment. Still others of the applicants were minors when their parents were enrolled or admitted, or were born subsequent thereto, acquiring thereby the status of their parents.

Inasmuch, therefore, as said applicants were recognized citizens of the nation prior to the act of June 10, 1896, supra, your Commission and the courts under said act were without jurisdiction to pass upon their cases. Although the name of Agnes Dorsey does not appear in the list given above, it seems that she is the daughter of the said Tennessee Picklin, and that testimony was taken concerning both September 25, 1900. As Agnes Dorsey's case in all material respects is the same as that of the other herein referred to, the same action will be taken in her case as in others.

It is requested on behalf of the applicants, in order that time and expense may be saved, that these cases be consolidated, and that for the convenience of all concerned, rehearing be had at the same time, such action to be taken as a part of the proceedings in connection with the rehearing directed February 15, 1905, by the Department in the case of Belle E. Bowers.

Inasmuch as they claim with her a common ancestry and source of rights, a rehearing is accordingly granted concerning the case named above, and their consolidation is therefore directed.

In addition to the foregoing case the Indian Office

transmitted the record in the case of Sophia Bethel, concerning which see departmental letter of February 14, 1902 (I.T.D.1033-1902). From the showing made it is evident that a rehearing should also be granted in her case in connection with the foregoing, and you will act accordingly.

In the motion filed by said attorney there was also a request that with the foregoing there be consolidated the applications in the following cases: Belle Z. Powers, Maud Crutchfield et al., James C. Flippin, John C. Flippin, Bertha Brickston et al., John P. Diamond et al., Ernest Skinner, and Hober Skinner. So far as the case of Belle Z. Powers is concerned, this request is granted. The records, however, in the other cases last named above are not before the Department.

Accordingly at this time their consolidation with the foregoing will not be directed. The Department considers, nevertheless, that such action would be advisable if the applicants in these cases claim a common ancestry and source of rights with Belle Z. Powers.

Respectfully,

(Signed) Thos. Ryan.
Acting Secretary.

56 inclosures.

J. W. H.
LLB.

DEPARTMENT OF THE INTERIOR,

D. C. 20445-1905.
DIRECT.
I. T. D. 3566-1905.
L. R. S.

WASHINGTON. April 20, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to departmental letter of April 12, 1905, returning to you for rehearing and consolidation the records in the Cherokee enrollment cases of Hannah Flippin et al., there are inclosed herewith motions for consolidation affecting Belle Z. Bowers et al., Bertha Ericksten and Theodore Ericksten, Heber Skinner, Emmett Skinner, John C. Flippin, John F. Diamond et al., Maud Crutchfield et al., and James C. Flippin.

These motions were inadvertently omitted from departmental letter above referred to.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

8 enclosures.

Clarke R-597.

Wuskogee, Indian Territory, May 1, 1905.

James W. Whippin,

Clarke, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself as a citizen of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of April 18, 1905, regarding this case for rehearing and readjustment.

You are, therefore, hereby directed to appear before the Commission at its offices in Wuskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 25, 1905, and introduce such testimony as you may desire in support of your said application. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

James Dixon,
Chairman.

Register

COPY.

Cherokee Memo. 425,

et al.

Muskogee, Indian Territory, May 1, 1905.

William Henry White,

Attorney for Hannah Flippin, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Dear Sir:

In the matter of the application for the enrollment of Hannah Flippin, et al., as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of April 12, 1905, remanding this case for rehearing and readjudication. The records of the Commission do not disclose the postoffice address of Bertina and Theodore Ericson, Heber and Emmett Skinner, John C. and James C. Flippin, John F. Diamond and Maud Crutchenfield. You are respectfully requested to notify them of the Department's action, and of the time and place of taking testimony in these cases.

The other applicants have this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 25, 1905, and introduce such testimony as they may desire in support of their applications. You are further advised that the Cherokee Nation

will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. S-8
Register

John D. Dwyer
Chairman.

Cherokee Memo. 405,

et al.

Muskogee, Indian Territory, May 1, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Hannah Flippin, et al., as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of April 12, 1905, remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 25, 1905, and introduce such testimony as they may desire in support of their said applications. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

SIGNED: *Tame Bixby.*
Chairman.

Incl. 3-7

Cherokee
R 597.

Muskogee, Indian Territory, January 10, 1907.

James H. Flippin,

Claremore, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, your application for enrollment as a citizen of the Cherokee Nation. Your attorney, William Henry White, Washington, D. C., has heretofore been furnished a copy of the record of proceedings had in the case and there has this day been furnished him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.H-117.
JMH

Commissioner.

Register.

Cherokee
N 405 et al.

Muskogee, Indian Territory, January 10, 1907.

William Henry White,
Attorney for Hannah Flippin, et al.,
Washington, D. C.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, dismissing the application for the enrollment of Hannah Flippin and rejecting the applications of Fleda McGlasson, et al., for enrollment as citizens of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-120
JMH

Cherokee
M 405 et al.

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, dismissing the application for the enrollment of Hannah Ylippin and rejecting the applications of Fleda McGlasson, et al., for enrollment as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-121
JAH

Commissioner.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Hannah Flippin, et al., (Cherokee M 405, et al.), together with the decision of the Commissioner, dated January 10, 1907, dismissing the application for the enrollment of Hannah Flippin and rejecting the applications of all the other applicants for enrollment as citizens of the Cherokee Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Encl. H-122.
JMH

COPY

Land.
3867-1907
15660- "

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby dated January 10, 1907, relative to the consolidated Cherokee citizenship case of Hannah Flippin, et al., together with the decision of the Commissioner dated January 10, 1907, dismissing the application of Hannah Flippin and rejecting the applications of all the other applicants for enrollment as citizens of the Cherokee Nation.

The applicants herein are as follows: Hannah, James F., Mary I., William T., James H., Gladys, James C. Jr., and Ella May Flippin; Lula, Wina, Frances, Nettie and Helen Freeman; Sophy E. Harrison, and Charlie Oliver Bethell; Jennie, Clarence and Dug Ellis; Belle Z., Lon F., Andy Houston, Wilton C., Jr., Corwin Elaine and Wilton C. Bowers, Sr.; Nettie B., Callie, Dixie, Katie Sugg, Flanche and Clabe Dirickson; Alice B., Samuel Reed, Thomas James, and Alice May Tanner; Fleda, Lunay, Sam Goode, George and Benny McGlasson; Tennessee, Agnes Dorsey, Samuel, Eugene, Mary, and Lee Nancy Picklin; Mary Jane, Ocheechee or Baby, Charlie, Emmett and Heber Skinner; Theodore and Bertha Ericksten; Roy F., Emma and Bertha Diamond.

Certain of the petitioners herein have heretofore been denied the right to enrollment by the Commission to the Five Civilized Tribes, which action was subsequently affirmed by the Department. On February 15, April 12 and 20, 1905 (I.T.D. 1486-3566-1905), the cases as to those heretofore denied were consolidated and remanded to the Commission with direction to hear and decide them on their merits.

The Commissioner finds from the evidence that it is fully established that Hannah Flippin, now deceased, was the granddaughter of one John Bryant now deceased, who for many years prior to his death in 1855, at the age of eighty, lived in Gibson County, Tennessee, is the common ancestor of all the other applicants herein, and that none of the applicants herein possess any Cherokee blood other than such as they may have obtained as descendants of John Bryant; that certain of the applicants together with the deceased ancestors of others herein, are identified on the Cherokee pay roll of 1886, but that none of them except James F. Flippin, who is identified on the Cherokee census roll of 1896 as an intermarried Cherokee citizen, nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on any other roll of the Cherokee Nation.

It further appears from the record that on September 25, 1884, Hannah Flippin and her children were admitted to Cherokee citizenship by the "Spears Court", and that on August 29, 1887,

the decree of the "Spears Court" admitting Hannah Flippin and her children as above, was declared to be null and void to all intents and purposes, by the "Adair Court", on account of having been procured by fraud.

Mr. Bixby concludes that the evidence introduced before the Adair Court was sufficient to warrant the decision rendered; and that the evidence in this case fails to establish that John Bryant, deceased, was possessed of any Cherokee blood or ever was a citizen of that Nation, and recommends that the application of all of the persons mentioned in the first paragraph hereof, with the exception of Hannah Flippin, be denied. Hannah Flippin having died prior to September 1, 1902, the case is dismissed as to her.

After a careful examination of the record in this case the Office is of the opinion that the decision of the Commissioner is warranted by the facts and it is recommended that it be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

A.J.W. -N L

COPY

D.C.12468

J.Y.Jr.

DEPARTMENT OF THE INTERIOR,

FHE

I.T.D.5762-1907.

WASHINGTON.

March 1, 1907.

IRS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 10, 1907, you transmitted therecord in the matter of the application for the enrolment of Hannah Flippin, et al., as citizens of the Cherokee Nation, together with your decision of the same date, adverse to all the applicants in the case.

Reporting February 27, 1907 (Land 3867-07), the Indian Office concurs in said decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 4 for Ind. Of.

A F Mc
3-1-07

Cherokee
R 597.

Muskogee, Indian Territory, April 4, 1907.

James W. Flippin,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 1, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee
M 405. et al.

Muskogee, Indian Territory, April 4, 1907.

William Henry White,
Attorney for Hannah Whippin, et al.,
Washington, D. C.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rejecting the application for the enrollment of Hannah Whippin, et al., as citizens of the Cherokee nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-49
LMC

Cherokee
W. 405, et al.

Muskogee, Indian Territory, April 4, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rejecting the application for the enrollment of Hannah Flippin, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

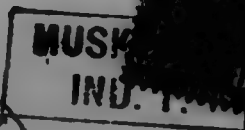
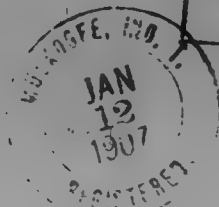
Encl. C-50
LMC

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

20263



B,

James N. Flippin,

Claremore, Indian Territory.

Unclaimed

$\frac{7}{7}$



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

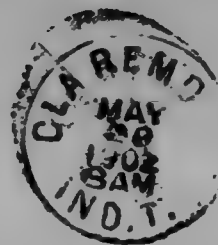
Penalty for private use, \$300.

8006

James N. Flippin

Claremore

J. J.





Cher R 598

Cher R 598

CR 598

RECEIVED
DESIGN
JAN 1 1902

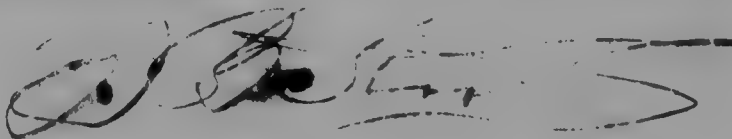
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 28, 1902.

In the matter of the application of Nettie E. Dirickson for the enrollment of herself and children as citizens of the Cherokee Nation.

Upon an examination of the tribal rolls of the Cherokee Nation now in the possession of the Commission it is found that none of the applicants embraced in this application appear of record therein.

Upon an examination of the original papers filed with the Commission under the provisions of the act of Congress approved June 10, 1896, in the matter of the application of Hannah Flippin for admission to citizenship in the Cherokee Nation, it appears that the name of the applicant was embraced in said application, which was denied by the Commission, and an appeal taken to the United States Court for the Western District of Indian Territory, where the decision of the Commission was sustained.

It is directed that copies of this statement be filed with the testimony in the above case.



Commissioner.

M158

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 9 1902

[Handwritten signature]

COPY.

Muskogee, Indian Territory, APR 9 1902

Mrs. Nettie E. Dirickson,

Cherokee, Indian Territory,

Prober:

On the 23 day of October 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself and your six minor children, Callie Dirickson, Mable Dirickson, Katie Dirickson, Suzz Dirickson, Blanche Dirickson and Glabe Dirickson as citizens by blood of the Cherokee Nation.

It appears from the evidence offered in support of said application, that the applicants above named have never been enrolled by the tribal authorities of the Cherokee Nation, and that their names do not appear upon the tribal rolls of the Cherokee Nation now in the possession of this Commission; that they have not been admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Cherokee Nation, or by the United States Court in Indian Territory on appeal, in accordance with the provisions of the act of June 10, 1900, (31 Stats. 321).

The act of May 31, 1900, (31 Stats. 321), provides:

" That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe, in Indian Territory, who has

N. B. D.-2.

not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

The Commission has, therefore, on this day decided that you and your six minor children above named, are not citizens of the Cherokee Nation and duly and lawfully enrolled or admitted as such, and that, pursuant to the provision of law above quoted, the Commission is without authority to receive, consider, or make any record of the application for the enrollment of yourself and your six minor children as citizens of the Cherokee Nation.

A copy of the record of the proceedings in this case is herewith enclosed. You are informed that the Commission has on this day forwarded a memorandum of its action to the Secretary of the Interior, with a copy of the proceedings, for his consideration and final decision.

The Secretary's final action will be duly communicated to you when the same is made known to this Commission.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (SIGNED). Tams Bixby.

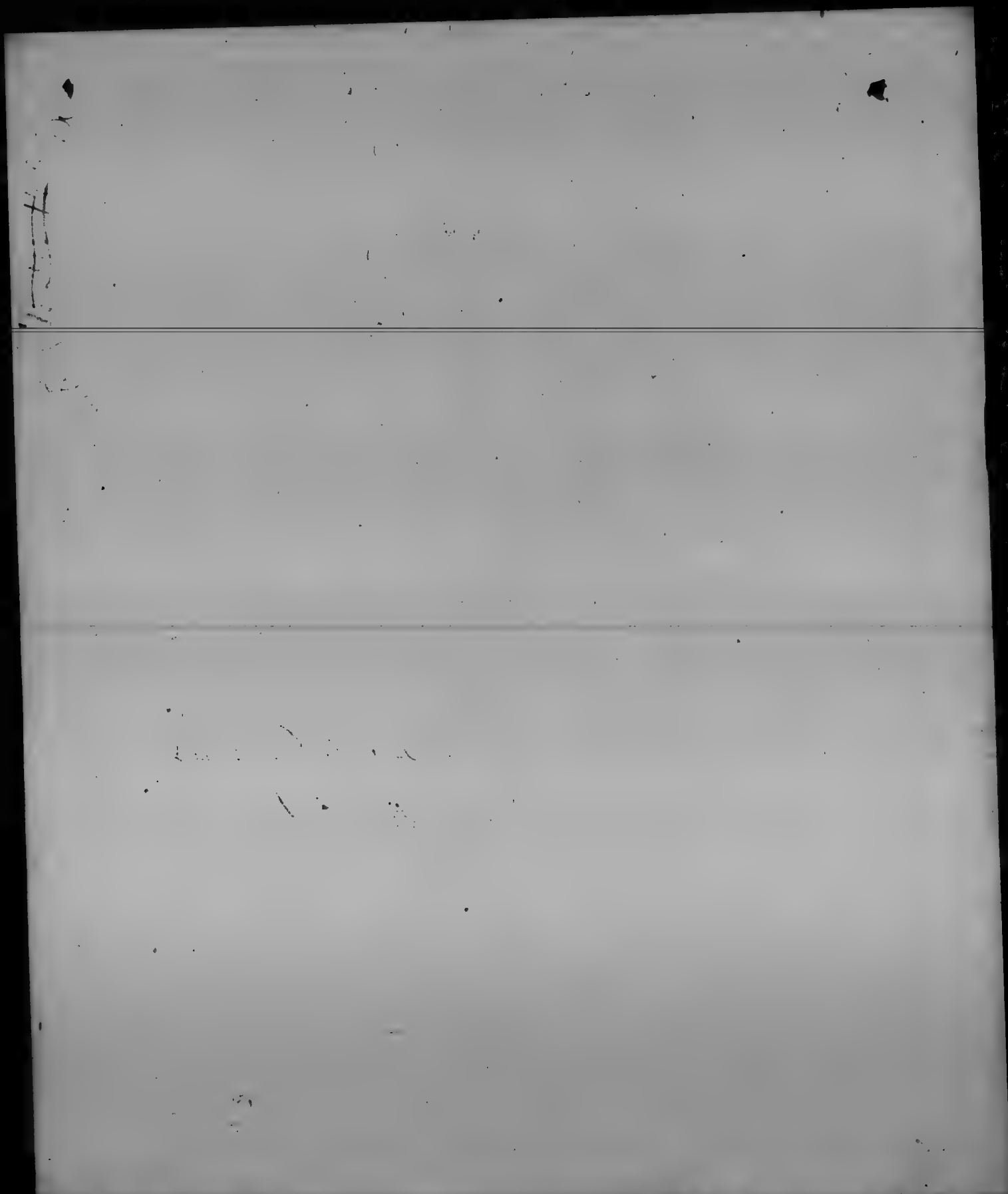
Commissioner in Charge
Acting Chairman.

Encl.-M-159.
Register.

Jan 18, 1912. His case cancelled
and applicants transferred to
Chenoweth Memo. No. 150.

Cher R 599

Cher R 599



Reg. 3241.

R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D.C., October 26, 1900.

At the hearing on the application of Sarah O. Hall Scott for the enrollment of herself and children as Cherokee by blood: She appearing before the Commission, and being sworn and examined, testified as follows:

Q. What is your name? A. Sarah O. Hall Scott.

Q. How old are you? A. 35.

Q. What is your present office? A. Classroom.

Q. Do you make application for enrollment as a Cherokee by blood? A. Yes, for myself and blood.

Q. Where are you living in? A. Fort Smith, Arkansas.

Q. How long have you lived there? A. Lived here 8 or 6 years.

Q. How long have you lived prior to that time? A. Prior to that time in Okmulgee, Oklahoma.

Q. How long have you lived in the Cherokee Nation? A. Ever since I was - I was born between 1870 and 1875 years or there.

Q. Have you been outside the Cherokee Nation within the past three years? A. No, sir, not only little trips.

Q. How long in Fort Smith, Arkansas were you sons? A. O. Scott.

I believe, O. Scott, husband, he was sick at Fort Smith.

Q. Was your husband living at Fort Smith? A. No, sir, he was.

living here, O. Scott, son to Fort Smith and was sick.

Q. How long did you remain in Fort Smith? A. A part of the time I believe.

Q. Is this the only time you have been out of the Cherokee Nation in the past three years? A. Yes, sir, as I remember.

Q. How long did you make application? A. For myself and my children.

Q. How many children? A. Five children.

Q. Have you made application for your husband? A. No, sir, he was not married according to law and he hasn't made application.

Q. Are you a recognized citizen of the Cherokee Nation? A. No, not by the laws here.

Q. You have never been recognized? A. Yes, sir, I have a certificate of citizenship, but they used to or pretended to say that they never recognized it.

Q. Were you ever admitted to citizenship by the Cherokee Tribal authorities? A. Yes, sir, 1871.

Q. Were you any documentary evidence of that fact? A. Yes, sir, I haven't it at present, I can refer you to it, where you can get it.

Q. You were admitted to citizenship I understand you to say, by an act of the Cherokee Council? A. Yes, sir, John S. Van Vleet was appointed as Chief Executive to rule on those cases and he received me to citizenship.

Q. Have you ever been listed upon any of the tribal rolls of the Cherokee Nation? A. Yes, sir, 1874 and drew the money.

Q. Does your name appear upon the roll of 1880? A. No, sir, they refused my enrollment.

Q. Does your name appear upon the census payroll roll of 1884? A. No, sir, they refused us then.

Q. Does your name appear upon the census roll of 1886? A. No, sir, I think not.

Q. Did you ever apply to the Commission to the Five Civilized Tribes, known as the Dawes Commission? A. Yes, sir.

Q. Where was that? A. I don't know the date, when they were sitting at Fort Smith I believe.

Q. Under what name did you make your application? A. Robert H. Hall.

Q. Give me the names and ages of the children for whom you desire to make application? A. Sarah Eva Scott, 12 years old.

Q. What is the name of the next child? A. Samuel Joseph Scott, 10 years old.

Q. The name of the next child? A. Henry Allen Scott, 6 years old.

Samuel J. Bell & out - 2.

Q. Did you have any more of the next child? A. Moses Bell Scott 4 years old.

Q. Did you have any more of the next child? A. Aaron Bell Scott 6 years old.

Q. Did you have any other children? A. No, sir, no other one living.

Q. What was your name in 1880? A. It was Bell.

Q. What was the name of your father? A. Moses Bell.

Q. And the name of your mother? A. Sarah Jane Bell.

Q. Did you ever go right to a roll out through your father's name? A. Through my mother.

(A. Did you not on 1880 roll under name of Bell.)

Q. When were you married? A. In 1887.

(Not on rolls of 1894 and 1895 as Scott.)

Q. Your name was included in the application for citizenship made to the court in 1894, wasn't it? A. Yes, sir, it was called on the roll of 1894.

Q. Was your application denied by the court? A. We were denied.

(p. 100 of Commission Report No. 1, page 399, Cherokee No. 5480, John H. Bell, Jr., Cherokee Nation; filed September 7, 1896, and as filed; application denied at Court at Little Rock, Ark., November 23, 1896. Case was a bench trial before the court for the Cherokee Nation at Indian Territory, and the report of the Commission was submitted to all the citizens except James V. Logan, and having been denied; Court Case No. 195; note on docket: "It is ordered that the case be consolidated with the case of John O. Cobb et al., No. 5328, and James A. Payne et al., No. 5324, and that they be heard together." It further appears that in the application made by John O. Cobb et al., certain parties were admitted as citizens and others as citizens of the Nation, and the court in its decision of the case of John O. Cobb et al. Both cases were reversed and the judgment of the Commission was reversed, and application was denied.)

Q. Is there any other statement which you now believe to be true in behalf of your application for yourself and your children? A. Yes, sir, I have it now, I will read it; I and my children claim the right to enroll as citizens of the Cherokee Nation by blood by your honorable Commission under that part of the Act of Congress approved June 20, 1898, namely: "And all persons who had been enrolled by the tribal authorities the year heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of their Cherokee blood had been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so enrolled." I was a minor when my parents were enrolled. My mother, Sarah J. Bell, nee nee, of Sequoyah district, was lawfully admitted to citizenship by John S. Vann, Chief Justice of the Supreme Court of the Cherokee Nation, in 1871. Chief Justice Vann was constituted as a special tribunal to decide upon and admit such parties to citizenship by the authority delegated to him by the National Council of the Cherokee Nation. I was a minor at the time my mother was so admitted and enrolled. I, together with the other members of my family, were enrolled by the tribal authorities and paid the per capita payment in 1874. The records will show. I have a diploma from the Cherokee Female Seminary showing that I have been granted privileges as a citizen. There is a letter written by the executive clerk for ex-Chief Joel Hayes on file with the Department of the Interior, letter 10575, (1888), stating that the records of the Cherokee Nation then showed that I was entitled to all privileges as a citizen of the Cherokee Nation. When the Nation had a trial questioning my right as a citizen I was not notified to appear, as per affidavit, Court record. I don't believe that the Cherokee authorities, United States Court, Congress or any other authority has the right to deprive me of my property or citizenship legally obtained. Ex-Attorney General Garland's decision, January 23, 1897. I stayed with the rest of my family in the Cherokee Nation ever since our admission, and have made the Cherokee Nation our home ever since, having at no time removed my effects from the Cherokee Nation.

Page 3. All right. 3

The applicant applied for the enrollment of herself in the
main roll. The Cherokee tribal rolls in the possession of this
Commission have been examined and neither the name of the applicant nor
any of her children appear thereon. The records of the Commission
under the Act of Congress dated June 10, 1896, show that the ap-
plicant applied to the said Commission for citizenship in the year
1896 and her application was denied by the Commission.
and she was referred to the United States Court for the Northern District
where the decision of said Commission was affirmed. Under the provi-
sions of the Act of Congress of May 31, 1900, the Commission is without
jurisdiction to receive, consider or make any record of your applica-
tion, on the ground that you are not a recognized citizen of the
Cherokee Nation, and only lawfully admitted or enrolled as such.
If you desire to have the Secretary of the Interior consider your case,
and file a copy to the Commission in writing, the matter will be sub-
mitted to by the Commission to the Secretary of the Interior of the
Cherokee Nation and transmitted to him for final approval.

James C. Jones, Esq. duly sworn, says that he is a member of the
the Commission to the U. S. Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and correct transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 27th of October, 1900.

Commissioner.

B. *Manila*
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 26 1900

[Signature]
Special Agent in Charge

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 26 1900 1900.

Name Clarence

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Sarah J. Scott

District _____ Year _____ Page _____ No. _____

Citizen by blood Yes Mother's citizenship No

Intermarried citizen No

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Name | Dist. | Year | Page | No. | Age |
|------------------|-------|------|------|-----|-----|
| 1 Sarah E. Scott | | 18 | | | 12 |
| 2 Samuel | | 18 | | | 6 |
| 3 Henry | | 18 | | | 6 |
| 4 Moses B. | | 18 | | | 4 |
| 5 Aaron | | 18 | | | 2 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Rejected by the Dawes Commission and sustained by United States Court 1896 - Dawes Com. Case 5320 - Court

R 441

RECEIVED THE INT
TO THE
FEB 12 1900
20 1900

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; claims to be on '74 roll; and to have
been whitted in 1871, but charged with fraud; not on roll of 1880
1894 or 1896, and rejected by Commission and U.S. Court in 1896;
judgment stated.

Cherokee R 599

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah O. Bell Scott,
for the enrollment of herself, and her children, Sarah E. Samuel J.
Henry A. Moses B., and Aaron McL. Scott, as citizens of the Cherokee
Nation.

D E C I S I O N

--oOo--

On the 26th day of October 1900, Sarah O. Bell Scott,
appeared before the Commission to the Five Civilized Tribes, and
made application for the enrollment of herself and children as citi-
zens by blood of the Cherokee Nation. It appears from the testi-
mony in this case, that one Dr. Bell, the husband of Sarah O. Bell
Scott, was given a certificate of citizenship on November 13, 1871,
by Judge John S. Vann, the Chief Justice of the Supreme Court of the
Cherokee Nation, he having shown to Judge Vann that Mrs. Bell, his
wife, was the sister of Mrs. Payne, and on the strength of the
certificate the Bell family were enrolled and recognized as citi-
zens of the Cherokee Nation, until the Council declared them intrud-
ers in November 1877. That in the year 1889, they were declared to
have no rights of Cherokee citizenship by the Ross Commission on
Citizenship. The sister of Sarah O. Bell Scott, Mrs. Payne, and
from whom this applicant claims to derive rights, was charged as
having secured her admission to citizenship through fraud, misrep-
resentation and deceit; and the same having been found to be true,
the status of Mrs. Payne became that of a non-citizen. The appli-
cant-in-chief is not identified on any of the tribal rolls of the
Cherokee Nation, and her application for enrollment is based on her
relationship to the aforesaid Mrs. Payne.

The Commission is authorized to make rolls of citizenship

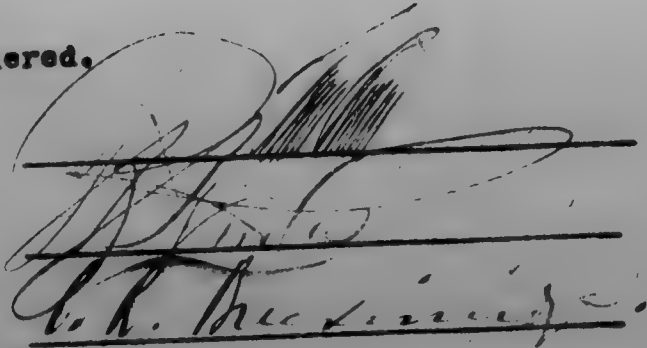
of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It further appears from the testimony in this case, that on the 5th day of September 1896, an application was made to the Commission to the Five Civilized Tribes for her enrollment, and that on the 23d day of November 1896, said application was by the Commission denied, and that subsequently on the 9th day of January 1897, an appeal was taken to the United States Court for the Northern District of the Indian Territory, wherein the judgment of the Honorable Court affirms the judgment of the Commission, denying the application of the aforesaid Sarah O. Bell Scott. Appearing as it does from the evidence and testimony, Sarah O. Bell Scott is not entitled to enrollment as a citizen of the Cherokee Nation, and possessing no rights to citizenship she is shown unable to bequeath to her children any of the rights for which she applies; therefore, in view of the law and testimony in this case, it is the opinion of the Commission, that the application for the enrollment of Sarah O. Bell Scott, and her children Sarah E., Samuel J., Henry A., Moses B., and Aaron McL. Scott, as citizens of the Cherokee Nation

R 599 - 3 -

should be denied, and it is so ordered.



C. R. McLaughlin

Dated at Muskogee, Indian Territory,

this 20 day of May 1902.

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF THE
INDIAN TERRITORY, SITTING AT MUSKOGEE.

ROBERT H. BELL ET AL, Appellant,

Vs.

Number 175.

THE CHEROKEE NATION, Appellees.

Appeal from the United States Commission to the
Five Civilized Tribes.

Mr. N. A. Gibson, Special Master to whom this case
was referred, submits the following report.

(Insert report of Special Master)

OPINION OF THE COURT. --

SPRINGER, JUDGE.- From this report it appears that the
claimants herein submitted their application to the United
States Commission to the Five Civilized Tribes, and that the
same was denied on the 23d day of November, 1896. The names
of all the parties are set forth in the Master's report.
They base their claim to citizenship in the Cherokee Nation upon
the ~~al~~ allegation that Mrs. Sarah Bell, the mother and grand-
mother of applicants, was a full sister of Mrs. Martha Payne

and Mrs. Eudora Cobb, both of whom were admitted to Cherokee citizenship by the Supreme Court of the Cherokee Nation May 31, 1871; and upon the further allegation that these claimants were admitted to citizenship in the Cherokee Nation by Judge John S. Vann, the Chief Justice of the Cherokee Supreme Court on the 13th day of November, 1871, upon their showing to him that their mother, Mrs. Sarah Bell, was a sister of Mrs. Payne and Mrs. Cobb. The record contains the certificate of Judge Vann in this case. It is as follows:

"Office of the Supreme Court, Cherokee Nation. This will certify Mrs. Sarah J. Bell, wife of Doctor Moses H. Bell, has proved to my satisfaction by affidavits of Doctor S. H. Payne and wife Martha Payne, made before Ellis Sanders, clerk of the District court for Sequoyah District, that she is a full sister to said Martha A. Payne and Eudora Cobb, who established their Cherokee rights before the Court of Commission at its sitting and dated May 29, 1871, by blood. Therefore Mrs. Sarah J. Bell is entitled to all the rights and privileges of other Cherokees in the Cherokee Nation. Given from under my hand the 13th day of November, 1871. John S. Vann, Chief Justice, Supreme Court."

It appears from the testimony in this case that the foregoing certificate, including the signature, is in the hand writing of Mr. W. H. Turner, the clerk of the Court at that time. Both Mr. Turner and Judge Vann are now deceased. This is the only evidence of the admission of the Bell family to citizenship in the Cherokee Nation. Judge Vann was present according to the testimony when this certificate was made, but being unwell, it is said, he requested Mr. Turner to sign his name to it.

At the time this certificate was issued Judge Vann

had no authority to admit to citizenship any persons except North Carolina Cherokees. There is no claim or pretense that the Gunter family, from whom the Moffett sisters claimed their Cherokee blood, were ever regarded by any person as North Carolina Cherokees. The facts disclosed by the record show that the family have for several generations ~~and~~ been separated from ~~the~~ tribal relations, living in Tennessee and Arkansas and other states of the Union. It is very questionable also whether Judge Vann ever issued the certificate above set forth. If he did issue it, however, he had no authority in law to admit the claimants in this case to citizenship. The certificate therefore issued by him confers no rights whatever to citizenship upon the claimants in this case.

It appears from the Master's report that the application of claimants to be admitted to citizenship in the Cherokee Nation was submitted to the Adair Commission in 1888, and that that Commission was unable to arrive at a decision in the matter. Only two of the Commissioners being competent to sit in the case and they not being able to agree. Owing to this difference of opinion the case came before the Commission of which Will P. Ross was Chairman, by which commission the application of claimants in this case was rejected June 5, 1889. The judgment of the Ross Commission after reciting the facts in an elaborate opinion, is as follows:

"This Commission therefore declares the decree purported to have been made by John S. Vann, Chief Justice, admitting Moses Bell and family, to-wit: Sarah J. Bell, now deceased, Robert H. Bell, Susan E. Crawford, nee Bell, J. W. Bell, Martha A. Morgan, nee Bell, John E. Bell, M. M. Bell, Sarah O. Scott, nee Bell, Phillip Bell, and Jesse H. Bell, dated November 13, 1871, null and void."

It appears from the body of the opinion in this case that the National Council of the Cherokee Nation in 1877 declared the applicants to be intruders and requested their removal beyond the limits of the Nation.

The Ross Commission, it will be observed, did not in its decision formally reject the applications of claimants. However, it goes to the extent of declaring the certificate issued by Judge Vann in 1871 null and void. In the absence of any judgment by the Ross Commission the application of claimants in this case rests solely upon the action of the Cherokee Council which declared them intruders December 7, 1877. This action of the Council in the absence of any judicial decrees to the contrary is conclusive as to the rights of the claimants in this case.

We do not deem it necessary to consider the merits of this case. The three Hoffett sisters who married respectively, Dr. Payne, John O. Cobb and Dr. Moses Bell, based their right to Cherokee blood upon their descent from one Starling Gunter, and the Adair Commission, when deciding the case of Martha A. Payne and family reviewed all the testimony in the case and reached the conclusion that Starling Gunter was not a Cherokee by blood. This is the only judicial ascertaining of the fact which appears in the records of these cases. A careful examination of this opinion and of all the testimony in the case conclusively shows that the Adair Commission reached a just conclusion in the premises. No injustice therefore has been done to the claimants in this case by the action of the Cherokee Council.

The judgment of the United States Commission rejecting this case is affirmed, and the application of claimants to be enrolled as citizens of the Cherokee Nation is denied.

It is agreed by counsel on both sides in this case that Martha W. Morgan, wife of Frank Morgan, is a citizen of the Cherokee Nation. This opinion and decision therefore does not apply to her, and she will be enrolled as a citizen of the Cherokee Nation by the United States Commission.

Chelaremont, ---

Seoweescoowee Chick

Cherokee Nation

And. Ser.

To His Honorable Commission

To the Civilized Tribes.

Gentlemen;

In the matter of my
application to your Hon. Com-
mission for enrollment of
myself and minor children as
Cherokee citizens by blood. &
respectfully ask that you refer
my claim to said enrollment
to the Hon. Sec. of the Interior.

To sustain my contentions, I
beg that the Court Record in the
Robert H. Bell case vs Cherokee Na-
tion, in which case my rights
were involved, to be referred to the
Hon. Secretary of the Interior - and
together with all papers - evidence

and the Master in Chancery's
Report now on file in U.S.
District Court in the
Sec. of Interior. That he may be
fully informed.

Respectfully
Sarah C. B. Scott.

Oct. 27th. 1900.

COMMISSIONER
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRE KINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R-599.

Muskogee, Indian Territory, May 20, 1902.

Sarah O. Bell Scott,

Claremore, Indian Territory.

Madam:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and your children, Sarah E., Samuel J., Henry A., Moses B. and Aaron McL. Scott, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. R-599.
Registered.

COPY.

Muskogee, Indian Territory, May 30, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings ~~had~~ in the matter of the application of Sarah O. Bell Scott for the enrollment of herself and her children, Sarah E., Samuel J., Henry A., Moses B. and Aaron McL. Scott, as citizens of the Cherokee Nation, including the decision of the Commission dated May 30, 1902, refusing the application for the enrollment of Sarah O. Bell Scott et al. as citizens of the Cherokee Nation.

Very respectfully,

(SIGNED).

Jams Dixby.

Acting Chairman.

Enc. R-599.

Through the Commissioner
of Indian Affairs.

HENRY L. DAVIS
TAMM BERRY,
THOMAS B. NEEDLES
C. R. BRE KINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R-599.

ALFRED L. A. TSWORTH
SECRETARY

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of Sarah O. Bell Scott for the enrollment of herself and her children, Sarah E., Samuel J., Henry A., Moses B. and Aaron McL. Scott, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. R-5.

Refer in reply to
the following:
Land
31143-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Sarah O. Bell Scott for the enrollment of herself and her children, Sarah E., Samuel J., Henry A., Moses B., and Aaron McL. Scott as citizens of the Cherokee Nation.

It appears from the record that applicants were admitted to citizenship November 13, 1871, but that in November, 1877, they were declared intruders by the Cherokee National Council. The principal applicant is not identified on any of the tribal rolls of the Cherokee Nation. She applied to the Commission in 1896 for enrollment, which application was denied and the Commission's judgment was affirmed on appeal to the United States Court for the northern district of Indian Territory.

It is respectfully recommended that the decision of the Commission refusing enrollment to the applicants, be affirmed.

Very respectfully,

WCV
D

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

3 inclosures.

D. C. No. 14047-1902.

L. R. S.

51081

CMR

ITD 5240-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 25, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On May 20, 1902, you transmitted the record in the matter of the application of Sarah O. Bell Scott for the enrollment of herself and her children, Sarah E., Samuel J., Henry A., Moses B., and Aaron McL Scott, as citizens of the Cherokee Nation.

You rejected said application for the reason that the applicants were admitted to citizenship in said nation on November 13, 1871, and on November 18, 1877, were declared intruders by the Cherokee National Council; that Sarah O. Bell Scott is not identified on any of the tribal rolls of the Cherokee Nation; that she applied to your Commission in 1896 for enrollment; that her application was denied and the judgment of the Commission was affirmed on appeal to the United States Court for the Northern District of Indian Territory.

The Acting Commissioner of Indian Affairs forwarded your report on August 20, 1902, and recommends that your decision be affirmed.

No error appearing in the record, said decision is affirmed and said application is rejected. Copy of the report of the Acting Commissioner is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

RMD.

1 inclosure.

COPY

Cherokee R 599.

Muskogee, Indian Territory, September 4, 1902.

Sarah O. Bell Scott,

Muldrow, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself and your five minor children, Sarah E., Samuel J., Henry A., Moses B. and Aaron McL. Scott, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 25, 1902.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMM BIZBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYTESMOUTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R 599.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

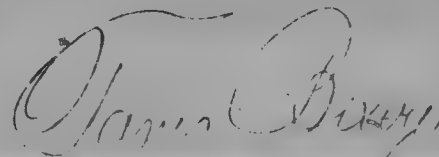
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Sarah O. Bell Scott for the enrollment of herself and her five minor children, Sarah E., Samuel J., Henry A., Moses B. and Aaron McL. Scott, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 25, 1902.

Respectfully,



Acting Chairman.

Cherokee

R 599

Muskogee, Indian Territory, August 30, 1906

W. S. Scott,

Fort Smith, Arkansas.

Dear sir:

This office is in receipt, on June 16, 1906,
of a motion made by you for a rehearing in the Cherokee
enrollment case of Sarah O. Bell Scott, et al.

Said motion will receive the proper consider-
ation of this office, and be transmitted to the Depart-
ment for action thereon at the earliest practicable date,
of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

COPY.

Muskogee, Indian Territory, June 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

It appears from the records of this office that on October 26, 1900, Sarah O. Bell Scott appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and five children as citizens by blood of the Cherokee Nation.

On May 20, 1902, the Commission rendered its decision in which it was held that the said applicant and her children were not entitled to enrollment as citizens by blood of the Cherokee Nation and that their application for enrollment as such should be denied.

In said decision of the Commission appears the following statement of fact and record:

"It appears from the testimony in this case that Dr. Bell, the husband of Sarah O. Bell Scott, was given a certificate of citizenship on November 13, 1871, by Judge John S. Vann, the chief justice of the Supreme Court of the Cherokee Nation, he having shown to Judge Vann that Mrs. Bell, his wife, was a sister of Mrs. Payne, and on the strength of the certificate the Bell family were enrolled and recognized as citizens of the Cherokee Nation until the Council declared them intruders in November 1877; that in the year 1889 they were declared to have no rights of Cherokee citizenship by the Ross Committee on citizenship. The sister of Sarah O. Bell Scott, Mrs. Payne, and from whom this applicant claims to derive rights, was charged as having secured her admission to citizenship through fraud,

(2)

misrepresentation and decoit; and the same having been found to be true, the status of Mrs. Payne became that of a non-citizen. The applicant-in-chief is not identified on any of the tribal rolls of the Cherokee Nation, and her application for enrollment is based on her relationship to the aforesaid Mrs. Payne. . . .

It further appears from the testimony in this case, that on the 3th day of September 1896, an application was made to the Commission to the Five Civilized Tribes for her enrollment, and that on the 27th day of November 1896, said application was by the Commission denied, and that subsequently on the 9th day of January 1897, an appeal was taken to the United States Court for the Northern District of the Indian Territory, wherein the judgment of the Honorable Court affirms the judgment of the Commission, denying the application of the aforesaid Sarah O. Bell Scott. Appearing in it does from the evidence and testimony, Sarah O. Bell Scott is not entitled to enrollment as a citizen of the Cherokee Nation, and possessing no rights to citizenship she is shown unable to bequeath to her children any of the rights for which she applies. . . . "

This decision was on May 20, 1902, forwarded to the Department and on August 25, 1902 (I.T.D. 6240-1902), said decision of the Commission was affirmed by the Department and the application was rejected.

Notice of the action of the Commission and Department was served upon all parties in interest and no further action was taken by or on behalf of the applicants until June 10, 1906, when there was received by the Commissioner to the Five Civilized Tribes a letter dated June 13, 1906, from W. S. Scott, who states that he is the husband of the applicant, Sarah O. Bell Scott, transmitting a communication in the nature of a motion to "reopen the case of Robert

H. Bell, et al. vs. Cherokee Nation, or so much of said case as affects the case of Sarah O. Bell Scott and children."

This alleged motion is unverified and it is stated therein that it is filed under the provisions of the Act of Congress approved April 26, 1906, relative to the filing of motions to reopen in enrollment cases.

At the time this alleged motion was received, it appeared from the records of this office that there was pending before the Commissioner two petitions or motions filed by Houston J. Payne, et al., and Henry C. Cobb, et al., praying that the enrollment cases of the petitioners be reopened, that the case be resubmitted to the Commissioner and that the petitioners be finally enrolled as citizens of the Cherokee Nation. These petitions or motions in the Payne and Cobb cases were filed with the Commissioner on December 18, 1905.

It appearing from the record in the case of Sarah O. Bell Scott that the applicants therein made the same claim of right to enrollment as citizens of the Cherokee Nation as the applicants in the Payne and Cobb cases, no action was taken upon the motion filed in the case of Sarah O. Bell Scott, et al., pending the determination of the action to be taken upon the petitions or motions filed in the other cases referred to.

(4)

On August 9, 1906, the Commissioner transmitted the petitions filed in the Payne and Cobb cases to the Department with the recommendation that they be denied.

On February 19, 1907 (I.T.D. 23264-1906, 1739-1907), the Department advised this office that the petition for rehearing in the matter of the application for the enrollment of Houston J. Payne, et al. and Henry C. Cobb, et al. as citizens of the Cherokee Nation was denied in accordance with the recommendations of this office and the Commissioner of Indian Affairs.

This Departmental letter was received by this office on February 21, 1907, and there remaining at that time only eleven more days during which enrollment matters could be considered by the Department, the transmission of the motion filed in the case of Sarah O. Bell Scott was overlooked and was only recently discovered in this office. This omission might possibly have had serious effects to the applicants, but, in view of the fact that the petitions or motions for rehearing filed in the cases of Payne and Cobb were denied by the Department and the applicants in this case have no right to enrollment not possessed by the applicants in the other cases and in view of the further fact that the issues in said case were fully brought to the atten-

(5)

tion of the Department before decision was rendered thereon, I am of the opinion that the right to enrollment of the parties in the Scott case has not been jeopardized or affected in any manner.

It is therefore recommended that this motion be denied by the Department and placed with the records in the enrollment case of Sarah C. Hall Scott, et al., now on file in the Indian Office.

The letter of T. S. Scott and the motion transmitted thereby are herewith enclosed.

Respectfully,

(SIGNED)

Tame Dixby.

Commissioner.

Through the Commissioner
of Indian Affairs.

OP 12-2

D. C. 84-1907.

C.F.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T. 55024-1907.

June 29, 1907.

Subject:
Motion to reopen citizen-
ship case of Sarah O. Bell
Scott, et al.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On June 12, 1907, you transmitted a motion filed in your office on June 16, 1906, by Sarah O. Bell Scott, praying that the case of Robert H. Bell, et al. vs. The Cherokee Nation be reopened so far as Sarah O. Bell Scott and her children are concerned.

Sarah O. Bell Scott appeared before the Commission to the Five Civilized Tribes on October 26, 1900, and made application for the enrollment of herself and five children as citizens by blood of the Cherokee Nation. On May 20, 1902, the Commission rendered a decision denying the enrollment of the applicant and her children, and on August 25, 1902, the decision of the Commission adverse to the applicants was affirmed by the Department. No action was taken thereafter by or on behalf of the applicants until June 16, 1906, when W. S. Scott, husband of the principal applicant, transmitted a communication in the nature of a motion for a reopening of the case. The motion is not verified and does not show that a copy thereof has been served on the attorney for the Cherokee Nation. The only new

matter set up is that the name of the principal applicant appears on the Cherokee roll of 1874, while the decision of the Commission alleges that her name does not appear on any of the tribal rolls of the Cherokee Nation. This, however, is not entitled to any consideration, for the reason that the Cherokee National Council in November, 1877, declared that Mrs. Bell Scott and other members of her family were intruders, and in the year 1889, they were declared to have no rights to Cherokee citizenship by the Ross Committee on citizenship.

There being no allegation of newly discovered evidence or any question of law that has not heretofore been fully considered, the motion is denied and returned to the Indian Office to be filed with the record in the case.

Very respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

EWE-EH

Through the Commissioner
of Indian Affairs.

D. C. 86-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

GAW

I.T. 55024-1907.

WASHINGTON..

July 6, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to your communication of June 12, 1907, enclosing a motion filed in your office on June 16, 1906, by W. S. Scott, on behalf of his wife, Sarah O. Scott, and asking that the Commissioner to the Five Civilized Tribes "reopen the case of Robert H. Bell vs. The Cherokee Nation, or so much of said case as affects the case of Sarah O. Bell Scott and children", you are advised that on June 29, 1907, the Department denied the motion. Departmental letter is enclosed.

Very respectfully,

(Signed) C. F. Larrabee,
Acting Commissioner.

EWE-EH

Cher R 600

Cher R 600

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE NINE CIVILIZED TRIBES.

Claremont, I.T. October 31, 1900.

IN THE MATTER OF THE APPLICATION OF ROSE CARY FOR THE ENROLLMENT OF HERSELF, HER HUSBAND AND CHILDREN AS CITIZENS OF THE UNITED STATES.

That Rose Cary, being sworn and examined by Commissioner C. F. Brackinridge, testified as follows:

- Q Give me your full name. A Rose Cary.
- Q How old are you? A I am thirty-four.
- Q What is your post office? A Caticosa.
- Q Do you live in Goveassawee District? A Yes, sir.
- Q Who is it you want to enroll, yourself and family? A Yes, sir.
- Q Have you a husband? A Yes, sir.
- Q How many children have you? A I have seven children. My oldest one is married though.
- Q You have six whom you apply for? A Yes, sir. I apply for myself.
- Q These six are all under twenty-one are they? A Yes, sir.
- Q Are you a Cherokee by blood? A Yes, sir.
- Q What is your husband? A He is a white man.
- Q How long have you lived in the Cherokee Nation? A I was born and raised here. I have lived here all my life.
- Q Give me the name of your father. A Charles Watts; he was a white man, my father.
- Q Is he dead? A Yes, sir.
- Q Give me the name of your mother. A Jennie.
- Q Is she dead? A Yes, sir; my mother is dead.
- Q Give me the name of your husband. A Luther P. Cary.
- Q How old is he? A He is thirty-four.
- Q Have you his marriage license and certificate? A Yes, sir.
- Q When were you married? A I married him in 1894.
- Q Was he ever married except to you? A No, sir.
- Q Were you ever married except to him? A Yes, sir.
- Q How often have you been married before? A I have been married twice before I married him. He is my third husband. I have three sets of children.
- Q Are they all in this six you are referring to? A Yes, sir.
- Q Were both your other husbands dead when you married this man? A No, sir; I was divorced.
- Q Have you the decrees of divorce? A Yes, sir.
- Q Now, to whom were you married first? A Jim Shoemake.
- Q When did you marry him? A I married him in 1883.
- Q How long did you live with him? A I lived with him six years.
- Q Were you then divorced from him? A Yes, sir.
- Q Who did you marry next? A Jim Claghorn.
- Q Was Jim Shoemake a white man? A Yes, sir; all those of my men are white men.
- Q Is Jim Shoemake dead now? A Yes, sir.
- Q Is Jim Claghorn dead now? A No.
- Q When did you marry Claghorn? A In 1890.
- Q How long did you live with him? A Four years.
- Q And then you were divorced from him? A Yes, sir.
- Q And then you married your present husband? A Yes, sir, in 1894.
- Q Have you got a certificate of your marriage to this husband Shoemake? A No, sir.

Shoemaker? A No, sir.

Q You haven't that? A No, sir; it was burned up in our house.

Q Did he get out a license when he married you? A Yes, sir.

Q Where did he get it? A In Canadian District.

Q Claghorn, you say is still living? A Yes, sir.

Q You got the divorce from him? A Yes, sir.

Q What was the ground of the divorce? A His abuse.

THE COMMISSIONER: The applicant presents a license and certificate of marriage, license issued by the Clerk of Cooweescoowee District; and the certificate shows that she was married in accordance with said license on the 9th day of November, 1890, to J. G. Claghorn, by the Rev. G. F. Harrison.

She also presents a decree of divorce from the Judge of the Northern Judicial Circuit of the Cherokee Nation, establishing her divorce from her husband Claghorn on October 1st, 1894. This also is filed herewith.

Q Have you a copy of your decree of divorce from your husband Shoemaker? A No, sir; I haven't. I was divorced here, but then, I didn't get no divorce papers. I got the divorce but I didn't get no papers.

THE COMMISSIONER: The decree of divorce just referred to also states that the man Claghorn has forfeited his citizenship.

The applicant also presents a license issued by the Clerk of the United States Court, First Judicial Division Indian Territory, October 3rd, 1894, authorizing marriage between Mrs. Rosa Claghorn and Luther P. Cary. The certificate shows that they were united in marriage on the following day by J. J. Crooks, United States Commissioner.

Q Now, in your marriage license were authorizing marriage between yourself and Claghorn, you are spoken of as Mrs. Rosa Watts. A I was divorced from Shoemaker when I married him.

Q What were you doing with that Watts? A Well, that was my maiden name.

Q Now, did your present husband Cary ever get an Cherokee license to marry you? A No, sir; he is not claiming any right at all.

Q Now, give me the names of your children. A James Shoemaker. He is the oldest.

Q How old is he? A He is thirteen.

Q Now, the next child? A Fannie Claghorn.

Q How old is she? A She is ten.

Q The next child? A Thomas Claghorn.

Q How old is that child? A He is seven.

Q The next child? A Nellie Cary.

Q How old is that child? A She is six.

Q The next child? A Georgia Eunice Cary.

Q How old is that child? A She is four.

Q The next child? A William Cary.

Q How old is that child? A He is going on two years old.

Q These children are all living now are they? A Yes, sir; they

are all living there.

1890 Roll, page 55, No. 1545, Rosa Watts, Canadian District.

Native Cherokee. Fourteen years old.

1896 Roll, page 138, No. 1175, Rosa Cary, Cooweescoowee District.

1896 Roll, page 263, No. 4643, James Shoemaker, Cooweescoowee

District.

1896 Roll, page 153, No. 1177, Fannie Claghorn, Cooweescoowee

District.

1896 Roll, page 133, No. 1178, Thomas Claghorn, Cooweescoowee

District.

1896 Roll, page 138, No. 1176, Nellie Cary, Cooweescoowee

District.

THE COMMISSIONER: The applicant applies for the enrollment of herself, her husband and six minor children. She is identified on the rolls of 1890 and 1896 as a native Cherokee; she has lived in the Cherokee

Nationall her life and she will be listed for enrollment as a Cherokee by blood. Her husband is shown to have married her in accordance with United States law in 1894; he has not been married to her in accordance with Cherokee law; he is not upon any roll. It also should be noted that she does not produce a certificate of divorce from her first husband, Shoemake. Her husband is not considered to possess any status at this time which gives the Commission jurisdiction over his application for enrollment, and therefore, only a memorandum will be made of his application. If he desires this memorandum reported to the Secretary of the Interior it will be done upon receipt of a written request to that effect.

Of the six children named in the testimony, the first four are identified on the roll of 1896. The oldest one, James Shoemake, is a child of the applicant's first husband; the two succeeding children, Annie and Thomas Claghorn, are children of her second husband. The youngest child thus identified, Nellie Cary, is a child of her present husband. These four children are now living, and will be listed for enrollment as Cherokees by blood.

When the Commission is supplied with certificates of birth of the two younger children, Georgia F. and Willie Cary, these children also will be listed for enrollment as Cherokees by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 31st day of October A. D. 1900.

Notary Public.

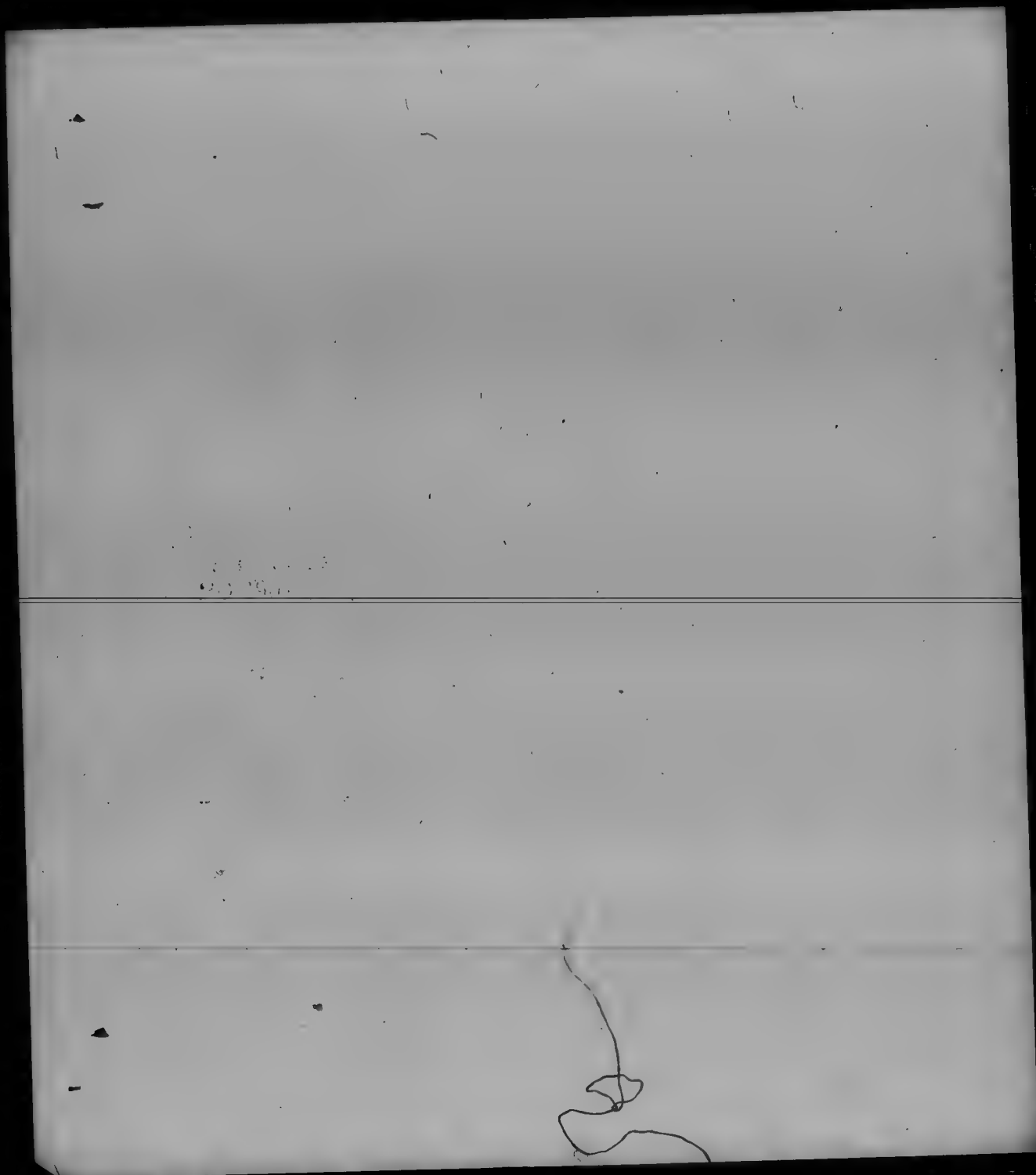
DEF
COMMISSIO

INDIAN TRIBES.

OCT 21 1900

ACTING CHAIRMAN.

Handwritten signature and scribbles



COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; white man; married under U.S. law and on
no roll; wife O K; judgment stated.

Cherokee R 600

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 24 1892

ACTING CLERK

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Luther P. Cary, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 600, it is entitled Luther P. Cary, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Neelico.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Encl. C-R. 600.

(COPY)

Muskogee, Indian Territory, February 14, 1902.

Mr. Luther P. Cary,
Catoosa, Indian Territory.

Dear Sir:

On the 31st day of October, 1900, your wife, Rose Cary, appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 4th day of October, 1894, to one Mrs. Rose Claghorn, (widow), a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the First Judicial Division of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress, approved June 28, 1896, (30 Stats. 495):

That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities

who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said roll is to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

From the testimony it appears that you did not comply with the laws of the Cherokee Nation governing marriages between non-citizens and citizens of the Cherokee Nation. The Cherokee law applicable in this case is as follows:

"Section 659: Whereas, the peace and prosperity of the Cherokee people require, that, in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the

territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue".

"Sec. 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him for at least six months immediately preceding the date of the certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter".

"Sec. 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal; and every person who shall engage or assist in solemnizing any such marriage shall, upon conviction before any district court of this nation, be fined one hundred dollars; and it shall be the duty of the solicitor of the district in which such person may reside, to collect the same; and such solicitor so collecting, shall be entitled, for his services, to twenty five per cent. of the amount collected; and shall place the remainder into the hands of the treasurer to be by him credited to the general fund".

In view of the law and testimony in this case your application for enrollment as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~Thomas R. Kirby~~ *T. B. Needles.*

Enclosure.

Register.

~~Acting Chairman.~~
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902 in the matter of the application
of Luther P. Carey for enrollment as a citizen of the
Cherokee Nation.

L. H. Carey
Attorney for Cherokee Nation.

Cherokee No. R. 600.

COMPTON ON

APR 10 1902

ACTING CHAIR

L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1937-1902.
D. C. 5813-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Luther P. Cary, R 600, transmitted with your letter of February 14, 1902, and the letter of the Acting Commissioner of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.M.D.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1829-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659.* * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

100-101010-100

COMMISSION

APR 10 1962

ACTING CHAIRMAN

100-101010-100

Cherokee R-600.

Muskogee, Indian Territory, April 15, 1902.

Mr. Luther P. Cary,

Catoosa, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMUNICATION
HEADQUARTERS
TAMM
THOMAS H. NEEDLE
A. HENCKE BRIDGE

ALLISON A. WORTH

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERENCE TO THE FOLLOWING

Cherokee B-600.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir.

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Luther P. Cary, Cherokee No. B-600, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April 1902.

Very respectfully,

Acting Chairman.

Cher R 601

Cher R 601

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. November 9th, 1900.

IN THE MATTER OF THE APPLICATION OF DANIEL C. MOORE FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE CITIZENS.

The said Daniel C. Moore, being sworn and examined by Commissioner T. F. Needles, testified as follows:

Q What is your name? A Daniel C. Moore.

Q How old are you? A I am about forty years old.

Q What is your post office address? A Claremore.

Q What district do you live in? A I guess it is about four miles from here.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q By blood? A Yes, sir.

Q What degree of blood do you claim? A Well, I claim about one eighth, I guess.

Q Who do you want to enroll? A I want to enroll me and my wife and three children.

Q What is your wife's name? A Lucinda Moore.

Q Is she a Cherokee by blood? A Yes, sir.

Q What was her name before you married her? A Langley.

Q When were you married? A In 1897.

Q How old is your wife? A She is about twenty nine years old.

Q What is the name of your oldest child? A Daniel E. Moore.

Q How old is ~~xxx~~ he? A Going on fifteen years old.

Q The next child? A Dovie Emiline.

Q How old is she? A She is ten, going on eleven.

Q The next child's name? A Charlie? A Any middle name?

A No, sir.

Q How old is Charles? A He is going on five.

Q Is that all the children? A Yes, sir.

Q Is Lucinda Langley your first wife? A Yes, sir.

Q Are you her first husband? A Yes, sir. I am not on the 1880 roll.

Q By what right do you claim Cherokee citizenship? A Well, I was born here and raised here.

Q Have you ever been recognized by the Cherokee authorities as a citizen? A I drew money here.

Q What proof have you got that you are a recognized citizen? Have you got any certificate of admission? A I have got some aunts here-----

Q (interrupting) I am not talking about your aunts at all. Have you any certificate of marriage. A No, sir; we was married according to the Cherokee law.

Q What was your wife's father's name? A Jack Langley.

Q Is he living? A No, sir; he is dead.

Q What was her mother's name? A Lucinda Langley.

Q Is she living? A No, sir.

1880 Roll, page 31, No. 831, Lucinda Langley, Canadian District.

1896 Roll, page 213, No. 3220 Lucinda Moore, Coweeseowee District.

1896 Roll, page 213, No. 3221, Elija Moore, Coweeseowee District.

Q Is Daniel's middle name Elija? A Yes, sir.

1896 Roll, page 213, No. 3222, Dovie Moore, Coweeseowee District.

1896 Roll, page 213, No. 3223, Charley Moore, Coweeseowee District.

Q You are not a Cherokee by blood? A Well, Buster's wife she is my own cousin.

Q I am not talking about Buster's wife. I am talking about you.
A Well, I always claimed to be.

Examination by Mr. W.W. Hastings, Counsel for Cherokee Nation.

Q Did you get any license when you married this woman?

A No, sir; I just got a preacher to marry us.

Q Have you been living with this woman? A Yes, sir; I have been living with her.

Q You separated from her a while? A No, I was down here in Sequoiah just working on the railroad.

Q Have you always lived with her since you married her? A Yes, sir; I have been off about a year.

Q I mean separated? A Yes, sir; a kind of split up for a little while.

Q You are living with her now, are you? A Yes, sir; we are living together. I was off about a year or two.

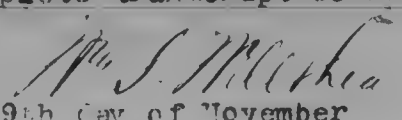
THE COMMISSIONER: The name of Lucinda Moore, the averred wife of Daniel C. Moore appears upon the authenticated roll of 1880 by her maiden name Lucinda Langley. Her name appears upon the census roll of 1896 as Lucinda Moore. The names of her three children Daniel E., Dovie E., and Charles appear upon the census roll of 1896. They all being duly identified according to the page and number of the roll, and having made satisfactory proof as to their residence, the said Lucinda More and her said children as enumerated herein, will be duly listed for enrollment as Cherokee citizens by blood.

The name of the said Daniel C. Moore does not appear upon any of the rolls of the Cherokee Nation now in the possession of the Commission, and he makes no claim to having been married according to the Cherokee laws. Consequently he could not be enrolled as an intermarried citizen, and his name not appearing upon any of the rolls the Commission has no jurisdiction and the application for the enrollment of himself will be rejected.

-----C-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 9th day of November
A. D. 1900.


Commissioner.

7700 11/11/186
DEPARTMENT OF THE INTERIOR, ^B
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 9 1900

 ACTING CHAIRMAN.

86-11

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
OFFICE OF THE DIRECTOR
WASHINGTON, D. C.
JUL 20 1901

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rejected; wife and child duly enrolled; he claims
by blood; see as to date of marriage; on no roll;
no claim to marriage under Cherokee law; judgment stated.

Cherokee R 601

after exposure to the agent and prior

806
of 1907

RECEIVED
JAN 10 1907

[illegible]

1967-1968

Photocopy of original of 1900.
Reference to the five stated tribes
pertaining to the region.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JAN 30 1902

Countess of Essex.

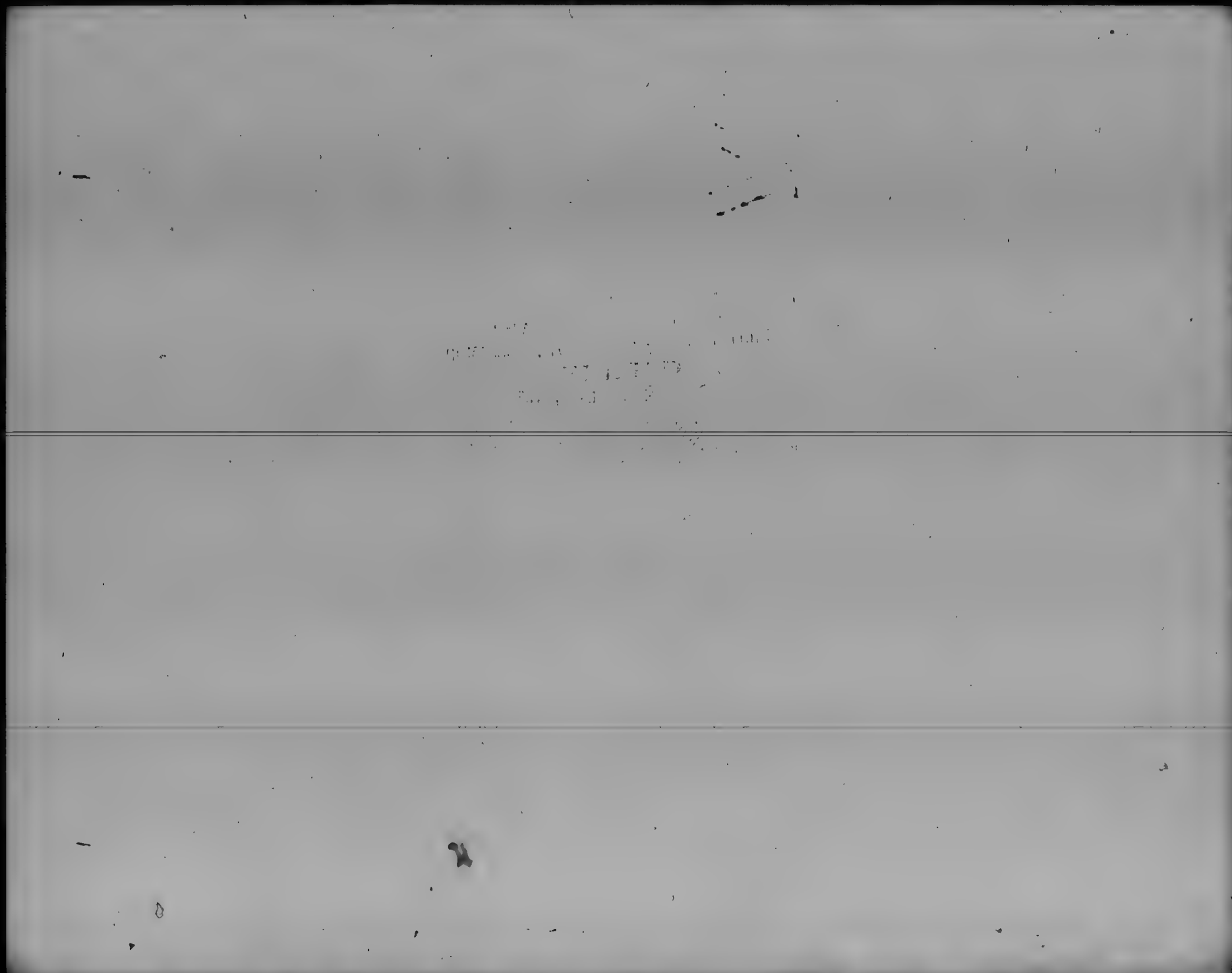
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T. January 28, 1902.

In the matter of the application of Daniel C. Moore for the enrollment of himself as a citizen of the Cherokee Nation.

Upon an examination of the Cherokee pay roll of 1890, the name of the applicant is identified thereon as D. C. Moore, in Canadian District. His name does not appear upon any of the other tribal rolls of the Cherokee Nation now in possession of the Commission. Neither does it appear that he was ever admitted to citizenship in the Cherokee Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court on appeal as provided for in the act of Congress approved June 10, 1896.

It is directed that copies of this statement be filed with the testimony in the above case.


Commissioner.



COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Daniel C. Moore, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R.601, it is entitled Daniel C. Moore, and is known as a Cherokee rejected application.

Respectfully,

(SIGNATURE)

T. D. Needles.

Acting Chairman.

Commissioner in Charge

Through the Commissioner
of Indian Affairs.

Enclosure C. R. 601

(COPY)

R 601

Muskogee, Indian Territory, February 14, 1902.

Mr. Daniel C. Moore,
Claremore, Indian Territory.

Sir:

On the 9th day of November, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1887 to one Lucinda Langley, a citizen by blood of the Cherokee Nation; that you are identified on the Cherokee Pay Roll of 1890; and that you base your application for enrollment upon the foregoing.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 498):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all

such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The testimony further shows that you were not married in accordance with the law of the Cherokee Nation, which is as follows:

"Section 659:every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced."

"Sec. 660: Every white man or person applying for license as provided in the preceding section of this act, shall, before obtaining the same, be required to present to the said clerk a certificate of good moral character signed by at least ten (10) respectable citizens of the Cherokee Nation, who are

Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter'.

"Sec. 663: No marriage between a citizen of the United States, or of any foreign nation, and a female citizen of this Nation, entered into within the limits of this Nation, except as heretofore authorized and provided, shall be legal;...."

In view of the law and testimony in this case, the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~T. B. Needles~~ *T. B. Needles.*

~~Acting Chairman.~~
Commissioner in Charge.

Enclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

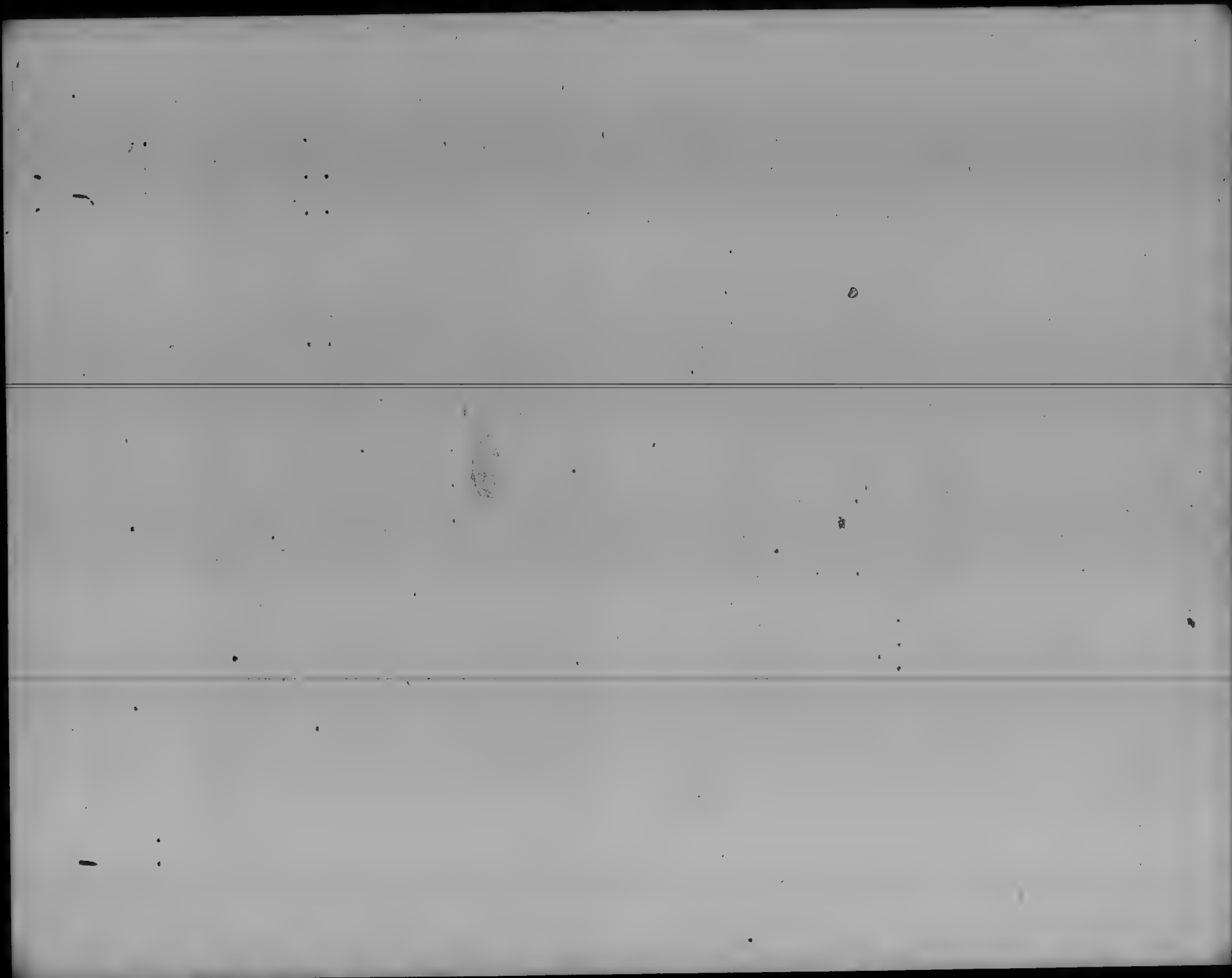
Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of Daniel L. Moore for enrollment as citizen of the
Cherokee Nation.

Cherokee No.

9601

Attorney for Cherokee Nation.



L.R.S.

19541.

R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. 1938-1902.
D. C. 5814-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Daniel C. Moore, R 601, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.F.D.

L. R. M.

F.

J. R.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1839-1902.
1833-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 3, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1892, (30 Stat., 495), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659. * * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware or Shawnee woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokee, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.H.D.

1 inclosure.

Cherokee-R-601.

Muskogee, Indian Territory, April 15, 1902.

Mr. Daniel C. Moore,

Claremore, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

RECEIVED IN THE FOLLOWING

Cherokee-R-601.

DEPARTMENT OF THE INTERIOR
IMMIGRATION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Daniel C. Moore, Cherokee No. R 601, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.



END

OF

ROLL